



Marijuana and Hemp Regulation: The Intricacies

Awareness surrounding the need to treat marijuana differently from other controlled substances is increasing nationally, whether through legalization or through changes to prosecution and sentencing. Texas is no different this legislative session as lawmakers consider and propose different ways to address marijuana usage. Proponents will often argue that money saved by changing marijuana laws could be used to focus on other, more dangerous drugs. However, there are at least five bills currently proposed that would in fact cost significant amounts of money to implement and could create resource issues, especially for crime laboratories, that would be forced to put more money, people and instrumentation toward marijuana analysis, depriving already tight assets from other testing.

The five bills to consider are:

HB 1230: production and regulation of hemp, Rep. Alex Dominguez

HB 186: determination of the weight of marijuana, Rep. Terry Canales

HB 551: relating to prosecution and criminal penalties for marihuana concentrate, Rep. Terry Canales

HB 989: relating to industrial hemp, Rep. Ryan Guillen

HB 1325: production and regulation of hemp and products made from hemp, Rep. Tracy King

These bills all require some form of quantification of marijuana, cannabis or hemp to ensure prosecution and/or sentencing of marijuana-related offenses reflect the true weight of the drug.

Some issues:

- Crime laboratories across the state would need more resources to implement any of these proposals
- For the Houston Forensic Science Center (HFSC) the cost would be more than \$2 million the first year and more than a half-million dollars annually thereafter
 - Additional staff
 - Additional instruments
- Most crime laboratories in Texas, including HFSC, do not have validated methods to perform this work
- Most forensic analysts in Texas, including HFSC, do not have the training to perform quantification
- Most crime laboratories in Texas, including HFSC, are not currently accredited to perform this work
- The bills are too vague and could create additional problems. For example:
 - Hemp regulation: to quantify hemp, the plant itself must be dry. Other states have run into problems with this because “how dry is dry enough” and how long do you dry it. Unless the laws provide information on this there is little consistency and direction for the analysis, leading to inconsistent results
 - What parts of the plant need to be analyzed: the leaf has more THC, the stem has less
 - Since in some parts of the plant THC quantities can increase upon heating, is the analysis for total THC or for precursor

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