

1-1 By: Perry S.B. No. 1870
1-2 (In the Senate - Filed March 4, 2025; March 17, 2025, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 10, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 10, 2025,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Flores	X		
1-10	Parker	X		
1-11	Hagenbuch	X		
1-12	Hinojosa of Hidalgo	X		
1-13	Huffman	X		
1-14	King		X	
1-15	Miles		X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1870 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to municipal and county enforcement of drug and consumable
1-20 hemp product laws; providing civil penalties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle C, Title 11, Local Government Code, is
1-23 amended by adding Chapter 366, and a heading is added to that
1-24 chapter to read as follows:

1-25 CHAPTER 366. ENFORCEMENT OF DRUG AND CONSUMABLE HEMP PRODUCT LAWS

1-26 SECTION 2. Chapter 366, Local Government Code, as added by
1-27 this Act, is amended by adding Section 366.001 to read as follows:

1-28 Sec. 366.001. DEFINITION. In this chapter, "local entity"
1-29 means:

1-30 (1) the governing body of a municipality;

1-31 (2) a commissioners court of a county;

1-32 (3) a sheriff, constable, or municipal police
1-33 department; and

1-34 (4) a district attorney, county attorney, criminal
1-35 district attorney, or municipal attorney.

1-36 SECTION 3. Section 370.003, Local Government Code, is
1-37 transferred to Chapter 366, Local Government Code, as added by this
1-38 Act, redesignated as Section 366.002, Local Government Code, and
1-39 amended to read as follows:

1-40 Sec. 366.002 [370.003]. LOCAL ENTITY [MUNICIPAL OR COUNTY
1-41 POLICY REGARDING] ENFORCEMENT OF DRUG AND CONSUMABLE HEMP PRODUCT
1-42 LAWS. (a) A local entity [The governing body of a municipality, the
1-43 commissioners court of a county, or a sheriff, municipal police
1-44 department, municipal attorney, county attorney, district
1-45 attorney, or criminal district attorney] may not adopt or enforce
1-46 an ordinance, order, rule, [a] policy, or other measure under which
1-47 the local entity will not fully enforce state laws relating to drugs
1-48 or consumable hemp products, including Chapters 443, 481, and 483,
1-49 Health and Safety Code[, and federal law].

1-50 (b) Notwithstanding any other law, a local entity may not
1-51 place an item on a ballot, including a municipal charter or charter
1-52 amendment, that would provide that the local entity will not fully
1-53 enforce a law described by Subsection (a).

1-54 SECTION 4. Chapter 366, Local Government Code, as added by
1-55 this Act, is amended by adding Sections 366.003, 366.004, and
1-56 366.005 to read as follows:

1-57 Sec. 366.003. COMPLAINT REGARDING DRUG OR CONSUMABLE HEMP
1-58 PRODUCT LAW ENFORCEMENT. (a) A citizen residing in this state may
1-59 file a complaint with the attorney general in the form and manner
1-60 prescribed by the attorney general if the citizen asserts facts

that support an allegation that a local entity has violated Section 366.002. The citizen must submit with the complaint a sworn statement that to the best of the citizen's knowledge all of the facts asserted in the complaint are true and correct.

(b) The attorney general shall:

(1) develop a form that a citizen residing in this state may use to submit a complaint described by Subsection (a); and

(2) publish the complaint form on the attorney general's Internet website.

Sec. 366.004. ATTORNEY GENERAL ACTION FOR EQUITABLE RELIEF.

(a) If, in response to a valid complaint under Section 366.003 or in the attorney general's own discretion, the attorney general determines that a violation of Section 366.002 has occurred, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County, in a county that is represented or served wholly or partly by the local entity alleged to have violated Section 366.002, or in a county that is adjacent to a county that is represented by or is served wholly or partly by the local entity alleged to have violated Section 366.002 to compel the local entity to comply with Section 366.002.

(b) An action that is brought by the attorney general under this section in a venue authorized by Subsection (a) may not be transferred to a different venue without the written consent of the attorney general.

(c) An appeal of an action brought under this section is governed by the procedures in the Texas Rules of Appellate Procedure for pursuing an accelerated appeal. The appellate court shall render its final order or judgment with the least possible delay.

Sec. 366.005. CIVIL PENALTIES. (a) A local entity that is found by a court to have knowingly violated Section 366.002(a) is liable to the state for a civil penalty in an amount not less than:

(1) \$25,000 for the first violation; and

(2) \$50,000 for each subsequent violation.

(b) A local entity that is found by a court to have knowingly violated Section 366.002(b) is liable to the state for a civil penalty in an amount not less than:

(1) \$25,000 for the first violation; and

(2) \$50,000 for each subsequent violation.

(c) Each day of a continuing violation described by Subsection (a) or (b) is a separate violation. A violation is considered to continue until the local entity proves by clear and convincing evidence that the violation has been remedied.

(d) A local entity may incur a penalty under both Subsections (a) and (b).

(e) A local entity's governmental immunity to suit and from liability is waived to the extent of liability created by this section. A local entity may not assert official immunity as a defense to an action brought under this section.

(f) The attorney general may seek a civil penalty under this section regardless of whether a citizen submitted a complaint under Section 366.003.

SECTION 5. Chapter 366, Local Government Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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