

Racial Disparity Exacerbated by Texas Cannabis Laws: Student Guidebook Solution

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Abstract

Illegal cannabis, or marijuana, use has had a deep and negative impact across racial groups in Texas. It is seen through the discriminatory enforcement of drug laws across minority communities, which produce a disproportionate number of cannabis-related arrests and incarceration rates. This disparity is caused and fueled by misinformation. Marijuana has been represented by false narratives that stereotype it as highly addictive, violent, and mostly present in low-income minority areas. Yet, marijuana has a lower mortality risk than drugs like alcohol and tobacco, and the usage rates between whites and non-whites are similar. The purpose of my research is to shed light on the discrimination minorities are held to when it comes to marijuana possession, clear the false narratives around cannabis use, and give the reader the right information to make their own decisions around this subject. I gathered information for this project through interviews with local advocates and criminal law attorneys, research of academic articles, and conversations with advocate organizations. As a result of my research, I realized Texas State University students are likely to be affected by this issue as more than half of the student population is categorized as a minority. The development of a guidebook would help to clarify general mistruths about cannabis, highlight its relation to racial discrimination, and inform students about essential information to know when faced with this issue. Therefore, I used my minors in sociology, business administration, and criminal justice to create a guidebook that would achieve this in hopes of empowering students with the right information.

Keywords: Racial discrimination, racial disparity, cannabis, marijuana.

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Problem

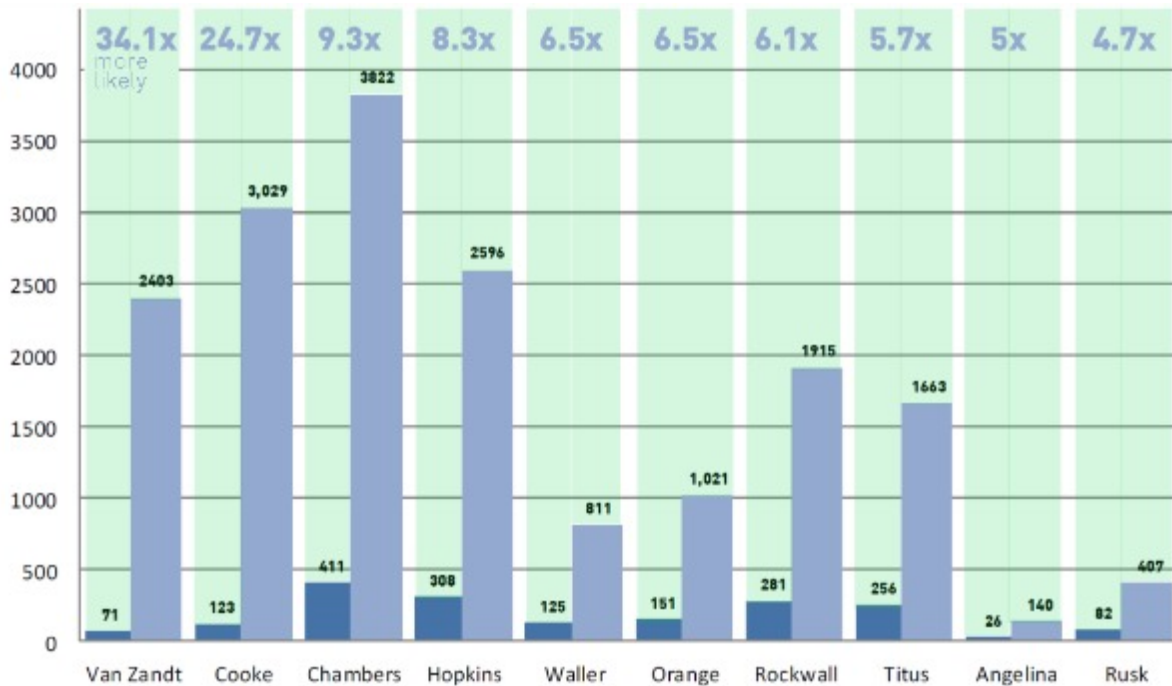
A significant number of Americans experience being stopped by law enforcement for a routine traffic violation, but what happens during that traffic stop is not a universal experience for everyone. Minorities are disproportionately targeted and searched by police officers because they are more likely to be found with illegal items, such as cannabis - also referred to as marijuana. If cannabis is found, it can lead to an immediate arrest, even if the amount discovered is a low quantity.

This is a scenario that thousands of minorities face each day in the state of Texas because cannabis is stigmatized and used to racially target black and brown Americans. The American Civil Liberties Union (ACLU) reported that, “Black people are 3.6 times more likely than white people to be arrested for marijuana possession, despite similar usage rates” (ACLU, 2020, para. 9). This statistic refers to marijuana arrests on a national level. In Texas, “Black people were 2.6x more likely than white people to be arrested for marijuana possession” (ACLU, 2020, p. 92). Although this statistic reflects a lower rate in Texas as compared to the national average, Texas does have individual counties with a drastically higher number of marijuana arrests for people of color.

There are ten Texas counties where minorities are four to 34 times likelier to be arrested for the possession of cannabis, as shown in figure one below. In addition, Texas is the only state that has two counties rated in the top five counties with the highest rate of racial disparity for marijuana enforcement in the United States. Van Zandt County, in East Texas, has the number one spot. This county has a rate of 34.1 times more than the national average of marijuana possessions arrests with minorities. Cooke County, in Northeast Texas, ranks fourth on the list with an average that is 24.7 times higher. As shown in figure 1 below.

Figure 1

Top Ten Counties with Highest Racial Disparity for Cannabis Arrests in Texas



Note: Top ten counties in Texas that show racial disparity for marijuana possession arrests.

Currently, the possession of cannabis in the state of Texas could lead to serious legal and civil penalties. The United States government classifies this drug as a schedule one substance, meaning it is a drug with no accepted medical use and a high potential for abuse. Other drugs that fall into this group are heroin and cocaine. According to a New York Times news author, Boffey (2014), studies have shown that marijuana use, in small amounts, does not create addictive tendencies and has proven to help with various medical conditions.

Relevance

My dream growing up was to become a police officer to help protect and serve my community. I wanted to serve people who were in need and put criminals in jail. I remember in

elementary school when a local police officer, Trooper Gary, would come to my school and talk about the importance of staying away from marijuana. He would tell students that marijuana use would kill the user's brain, numb emotions, and make people dangerous and violent. This occurred during the time the government was pushing the Drug Abuse Resistance Education (D.A.R.E.) program. It was a national campaign used to frighten students away from drug use.

Now as an adult, I've learned that many of those claims I learned as a child were false and misinforming. I feel this project will help people see the racial disparity caused by the enforcement of cannabis-related laws in Texas. In this way, I can help serve my community fulfilling my dream as a kid. I also feel passionate about this subject because I'm a first generation Mexican American, and I strongly feel we should put an end to racially biased, outdated laws that target black and brown communities over cannabis use.

I learned firsthand the negative impact a law of this kind could have on the life of a person of color. I have a Latino friend from high school who I have kept in touch with. While attending University of Texas in Austin, he was caught with a personal amount of marijuana at a house party. He was arrested and faced a costly fine with jail time. This caused him to drop out of college and work an entry level job for a construction company. He had to do this to pay his fine, and as a result, he never went back to school. It was sad to see the impact of this arrest on his life. It disrupted his plans for his future and ended his college career.

Background/Research

To get a sense of why this topic is important, it is imperative to learn about cannabis and why it became an illegal drug. For most of America's history, cannabis was legal and hardly a problem. It was used in various medicines made by doctors to treat a variety of ailments, and it was also known for its textile use to make hemp fibers for clothing and other materials (PBS,

n.d., para. 3). Because cannabis has multiple uses, other than for recreational drug use, it is a wonder why it would be criminalized.

History reveals the prohibition of cannabis was started by corrupt government officials. In 1930, a man by the name of Harry Anslinger was the commissioner of the Federal Bureau of Narcotics, and he used racist ideology to push the prohibition of cannabis because his job was in jeopardy. His department's budget was in risk of being cut, and he had to find a drug he could criminalize. Anslinger described marijuana as the drug mostly minorities would use.

There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing, result from marijuana usage. This marijuana causes white women to seek sexual relations with Negroes, entertainers and any others. (Solomon, 2020, para. 6)

He villainized cannabis by coining it “marijuana” or “marihuana.” This change in terminology was purposely done to tie a Mexican influence on cannabis. At that time, there was an influx of Mexican immigrants who came to America after Mexico's 1910 revolution. Marijuana is a term Mexican people used for a wild tobacco that was grown in different parts of Mexico and not for cannabis. Therefore, marijuana is not the correct term for cannabis, but both terms are used interchangeably today. Personally, I refrain from saying marijuana when referring to cannabis because it is incorrect and was misused to racially target Mexican immigrants.

Anslinger was successful in creating a significant tension in the white community with his racially profiled perception of cannabis use. In 1937, he went in front of congress to testify about the dangers of cannabis. Anslinger said to congress:

Some people [under the influence of marijuana] will fly into a delirious rage, and they are temporarily irresponsible and may commit violent crimes. Other people will laugh

uncontrollably. It is impossible to say what the effect will be on any individual.

(Tarricone, 2020, para. 9)

Anslinger wasn't alone in his campaign. Soon after his testimony he had the help of his friend, William Randolph Hearst. Hearst owned many media outlets, "At the peak of his fortune, in 1935, he owned 28 major newspapers and 18 magazines, along with several radio stations, movie companies, and news services" (William Randolph Hearst, 2021, para. 6). He controlled the majority of the US news media and would push Anslinger's agenda. Hearst helped with the prohibition movement because hemp was a huge competitor to his paper mill, since hemp paper proved more durable and easier to manufacture. Additionally, a breakthrough invention at the time, called a decorticator machine, effectively processed hemp fibers instead of doing it by hand. This further motivated Hearst to protect his timber assets.

Hearst used his mass media outlets to promote false propaganda about cannabis. He targeted Mexicans and Black people, and eventually, the US passed a legislation called The Marihuana Tax Act of 1937. This legislation placed a federal tax on cannabis. This made it difficult for people to purchase, including doctors and hemp manufacturers, who used cannabis to help make a living for themselves.

During the late 1960's, former President Richard Nixon appointed an investigative committee, named the Shafer commission, to study drug abuse in the United States of America. Surprisingly, this bipartisan commission concluded that cannabis was not a harmful substance and that possession in small amounts should be decriminalized. President Nixon ignored his own committee's recommendation and advanced with a "War on Drugs" campaign to target drug use. He went on to approve the 1967 Controlled Substances Act, which classified heroin, cocaine, and cannabis as schedule one substances. The US Government deemed schedule one substances

as drugs with no medicinal value and a high risk of abuse. In 1994, one of President Nixon's former aides, John Ehrlichman, stated during an interview:

We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did. (Baum, 2016, para. 2)

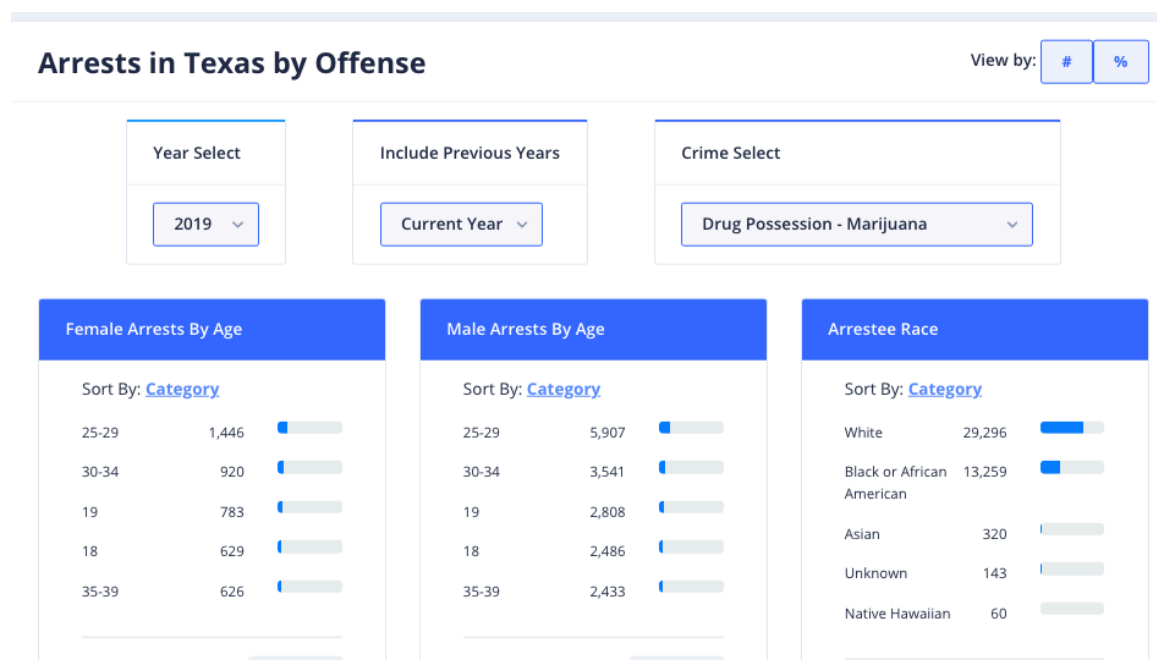
Purpose

The current laws in Texas criminalize citizens who possess a small amount of cannabis with arrest, and as a result, the black and brown communities are being racially targeted. To find statistics to support my purpose, I reviewed the 2019 Uniform Crime Report (UCR) on the Federal Bureau of Investigation (FBI) website. Figure 2 below, shows that white people were arrested more often than black people for cannabis possession. I looked for statistics relating to Hispanics/Latinos and found out that the FBI does not keep track of ethnicity. This means that arrest rates for whites have been artificially inflated because Hispanics/Latinos are grouped into the white race. The ACLU stated that

We found that Blacks are over 3.7 times more likely to be arrested for marijuana possession – a staggering racial disparity that exists nationwide. But consider this: most Latino arrests were likely counted as "white" arrests, meaning that the white arrest rate was artificially inflated. If Latinos also have a higher arrest rate than whites (which we suspect they often do), the disparity between Black and white arrest rates would likely have been even larger. (Garcia, 2013, para. 5)

Figure 2

FBI UCR Report for Marijuana Arrests in Texas



Note: Hispanics are not counted as a separate race. (FBI, 2019)

Audience

My primary audience is the student body at Texas State University. The use of cannabis has been prevalent on college campuses for years. At Texas State University, over half of the student body is classified as minority, as shown in Figure 3. Because the school is diverse, there is a high potential for Texas State University students to be targeted for carrying small possessions of cannabis. This could significantly delay or prevent these students from finishing their collegiate careers.

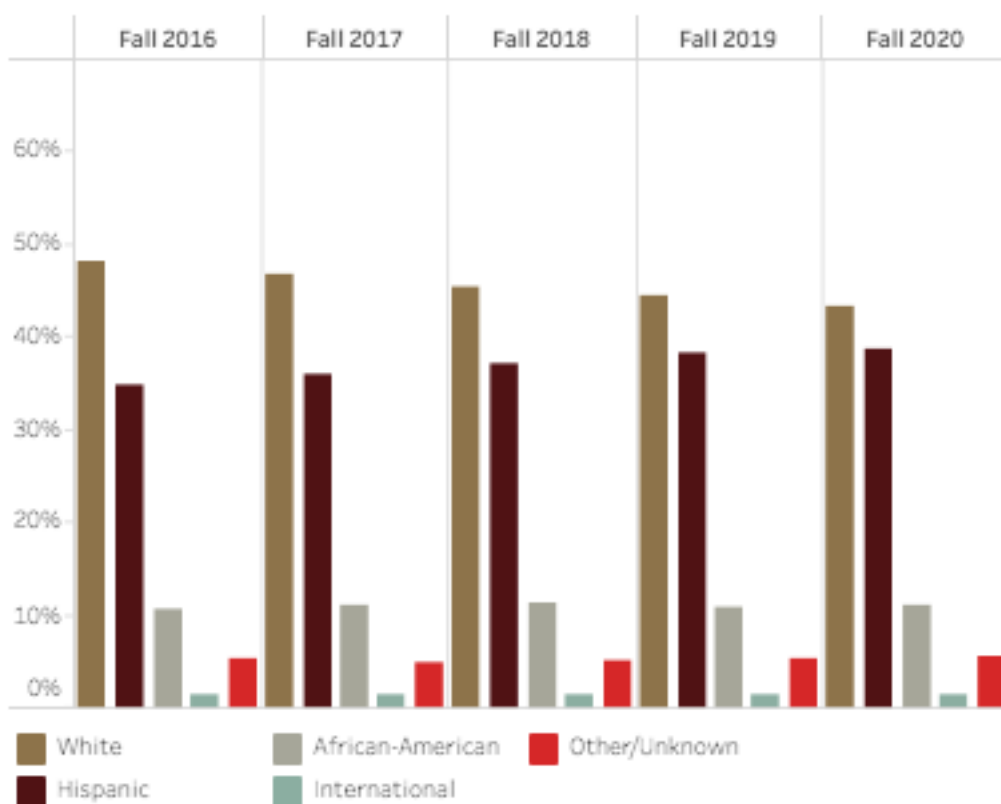
The City of San Marcos has a cite and release program that helps with cannabis arrests. If a person is caught with cannabis, they are cited rather than arrested. However, they still face criminal charges. If the possession is of two ounces or less, the crime is classified as a Class B

misdemeanor. This fine can be as high as \$2,000 and up to 180 days in jail. Two to four ounces is classified as a Class A misdemeanor with a fine of up to \$4,000 and up to one year in jail. A lawyer is also often needed for representation, which can make this citation even more expensive for an average individual. Other cities in Texas, such as Austin, Dallas and San Antonio, have also implemented cite and release ordinances, but they don't solve the problem.

If students are aware of what cannabis really is along with its origins, its history, and its many uses, they can mobilize to influence the community with the right message. Progress can be made, and the years of cannabis being used to racially stigmatize and disproportionately arrest minorities will end in Texas.

Figure 3*Texas State University Student Demographics***Race and Ethnicity**

Minority enrollment has steadily increased in recent years, with Hispanic enrollment counting for over 35% of total enrollment and overall minority enrollment over 50%.



My secondary audience is the Texas House of Representatives member, Erin Zwiener, who represents District 45, which includes the counties of Blanco and Hays. As a Texas House of Representatives member, Zwiener can help voice the issue about the level of racial disparity experienced with cannabis arrests to the state government. She actively supports the decriminalization of low amounts of cannabis. Earlier this year, Zwiener authored a bill called

HB 441, which helps to lower the criminal penalty and licensing consequences surrounding cannabis possession in small amounts. On May 1st, she tweeted the following:

Today, the House passed HB 441. This bill lowers the criminal penalty for possessing small amounts of cannabis and provides a path to expungement. While it still needs to make it through the Senate, I am proud of this legislation and what it means for Texans. (Zwiener, 2021)

With Zwiener's support, Texas can end the prohibition of cannabis and the racial discrimination of minorities who are arrested for the possession of small amounts of marijuana. In addition, most Texans believe in the legalization of cannabis. A 2018 poll from Quinnipiac University found that nearly two thirds of Texans were in favor of the legalization of cannabis in small amounts. "Sixty-one percent of respondents in the poll said they were in favor of allowing the legal possession of small amounts of marijuana for personal use" (Thomsen, 2018, para. 1).

Proposed Solution

The racial disparity experienced with minorities being arrested at a higher rate for cannabis possession is a problem that could potentially be solved with a simple solution, the legalization of cannabis. However, that is not a solution that could not be brought about quickly. It would take time for the Texas government to change cannabis laws. The Texas House and Senate are not due to meet again until January 10, 2023, to propose new legislations. Since that date is over a year from now, it is crucial steps are taken to prepare others with the right knowledge and truths about cannabis.

The creation of a four-chapter guidebook will inform college students on cannabis. (Appendix A) Chapter one will educate the student on what cannabis is, the differences between THC/CBD, Indica/Sativa/Hybrid, along with the recreational/medical uses and side effects.

Chapter two will provide the reader with the background and history of cannabis prohibition. It will also focus in on how this history ties into years of racial discrimination and disparity for black and brown Americans.

Chapter three will center on how to become a local advocate of the legalization of cannabis by following six detailed steps. Step one will be cannabis education. It is important to know what cannabis is, its history, and its uses along with why it became and remains illegal in Texas. To create change and challenge arguments, the community must not only understand what the Texas government finds intolerant of cannabis, but also, they must be aware to the different uses for cannabis that are positive. People can then speak out with an educated message that could reach decision makers and influence others.

The second step will involve learning about advocacy groups who are helping the legalization of cannabis cause. Some examples are organizations like, American Civil Liberties Union (ACLU) of Texas, Drug Policy Alliance, Mano Amiga, Marijuana Policy, and National Organization for the Reform of Marijuana laws (NORML). These are national organizations that fully support the legalization of cannabis. These organizations have websites that provide information on ways to volunteer, donate and join petitions. If students are aware of these organizations, they can sign up to volunteer or donate and help spread the message.

Step three will guide students on how meet with local activists. It is important students attend activist meetings to exchange ideas, network with other advocates, and view other positions on legalization. Students can start the process by finding a policy reform group, such as NORML, who have local chapters throughout the United States. They can then register with the organization, become a member, and further learn how they can help these organizations push for change.

The fourth step will encourage students to reach out to their local government representatives and state elected officials to help the movement grow. Students can call, email, or mail to voice their support for cannabis legalization. Getting representatives to back this cause is a great help to achieving legalization. Students can find a list of government representatives in their area by visiting the NORML website. The link to website will be provided in the guidebook.

Step five will instruct students to talk to close family and friends. Again, the more information that is shared, the more the community will be informed. People may be more receptive of the message when it comes from someone close to them. If a family member or friend opposes or rejects the information, students will be encouraged to avoid arguments. They will be guided on how to communicate in a clear, educated fashion to help clarify that cannabis has been wrongfully stigmatized and racially used to target black and brown Americans. Changing at least one person's view on cannabis is a step to a brighter future. Additionally, using social media to advocate about cannabis legalization is another avenue that could help students reach out to friends and family.

The final step will be the most important step and that is to vote. Voting is an opportunity for change, and it demonstrates support of causes that are important. Students will be strongly encouraged to exercise their right to vote for the candidates who support cannabis legalization. By doing this, students can help reduce racial discrimination when it comes to cannabis arrests in Texas. To vote, a person must be officially registered. The guidebook will provide the requirement and instructions on how to become of registered voter in Texas.

Chapter four of the guidebook will help educate students about Texas laws and penalties for cannabis, and how Texas State University handles students who are charged for cannabis

possession. Also, a guide will be provided on how to safely interact with law enforcement if caught with cannabis, and basic knowledge about the readers rights to protect themselves from self-incrimination.

While doing research on this topic, I had conversations with people who disagreed with my point-of-view on the the legalization of cannabis and the racial disparity surrounding cannabis-related arrests. One person told me that white people and black people are arrested at the same rate when it comes to the possession of cannabis. This has proven to be false, and I refuted this argument. Hispanic and Latino citizens are categorized as ‘white’ on arrest reports. Therefore, this number is inflated and doesn’t represent the truth because it includes brown people. It is skewed to make the number of arrests seem more balanced in comparison to the number of black people that are arrested. (see Figure 2.)

I’ve have also been told cannabis is a gateway drug that will cause adolescents to use harder drugs. This is a common misconception. Adolescent drug users most commonly begin using alcohol or nicotine before cannabis. The Institute of Medicine of the National Academy of Sciences went before Congress and reported the following.

In the sense that marijuana use typically precedes rather than follows initiation of other illicit drug use, it is indeed a “gateway” drug. But because underage smoking and alcohol use typically precede marijuana use, marijuana is not the most common, and is rarely the first, “gateway” to illicit drug use. There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs. (Szalavitz, 2010, para. 7)

Another false claim I’ve come across is that cannabis chemicals are much worse than tobacco-based chemicals. The claim states that cannabis contains more than 400 chemicals and

that many of these chemicals are carcinogens. The same kind that are found in cigarette smoke and that are likely to cause lung cancer. I found this statement on many anti-cannabis websites, which are filled with false facts about cannabis. I refute this argument with a study that proves marijuana does not cause lung cancer, even with heavy cannabis smokers.

The new findings "were against our expectations," said Donald Tashkin of the University of California at Los Angeles, a pulmonologist who has studied marijuana for 30 years. "We hypothesized that there would be a positive association between marijuana use and lung cancer, and that the association would be more positive with heavier use," he said. "What we found instead was no association at all, and even a suggestion of some protective effect." (Kaufman, 2006, para. 2)

Solution Delivery

I will develop a guidebook to help educate the students at Texas State University on cannabis. My guidebook will consist of four chapters, which will help the reader not only understand important information surrounding this issue but also, the steps to take if he/she were to be arrested because of cannabis possession.

The guidebook will focus on the history of cannabis and its origins. It will also provide information on the different uses of the plant and the types of opportunities its legalization could create for our community. As the legalization of cannabis will likely become a voting topic for our state, I will include information on the requirements need to vote and how to register.

The guidebook will explain different types of cannabis and the difference between THC/CBD. It will include important information on how to safely interact with law enforcement, if caught with cannabis, and one's rights as citizens. By educating students on how to interact

with police officers in a calm and respectful manner, students can lessen racial profiling and help protect from self-incrimination.

Students will also learn the consequences to be faced with cannabis being illegal in Texas. For example, the possession of cannabis in its concentrated form, in any amount, is a felony. This could lead to serious jail time and heavy fines. One of the most popular uses of cannabis concentrates are in cannabis vaping cartridges. Possession of as little as one gram could lead to up to 10 years of imprisonment fines as high as \$10,000 under Texas law (Texas Laws and Penalties, 2021).

In San Marcos, there is city ordinance in place called cite and release. This program will be covered in the guidebook. The cite and release program can be used at police officers' discretion. Offenders who are caught with cannabis are issued a field release, which gives them 30 days to turn themselves into the police. This time is used to get the offender's financial and social affairs in order before they go in front of a magistrate judge who will then set a personal recognizance (PR) bond. PR bonds release the offender without requiring them to pay a deposit or collateral. A judge considers a list of requirements when using a PR bond. These considerations include the severity of the case, the offender's criminal record, the danger posed to the public if the offender is released, if the case was violent or non-violent, and the offender's ties to the community, employment, and family.

The guidebook will end with a resources area that will highlight important links for more information. A list of national and local organizations that support the cannabis movement will be included, along with a listing of sites students can visit to learn about cannabis and its history.

Minors

Criminal justice is a system of practices and institutions of government that uphold laws to deter crime and persecute those who violate them with criminal penalties. The study of criminal justice involves methods of criminology and psychology used to categorize criminal behavior. For my guidebook, I will be using the transformative justice theory, which challenges the focus on punishment by examining the root cause of a crime. Transformative justice is a philosophical strategy for responding to conflicts. The theory examines inequality within economic, social, and political systems that could be the cause for the crime.

Rather than looking at offenders and victims as distinct entities, transformative justice recognizes that an individual may have caused harm and suffer from harm.

Transformative approaches strive to improve the quality of life for victims, offenders, and the community by addressing the social and economic inequalities that cause crime. (The Three Theories of Criminal Justice, 2021, para. 18)

Sociology is the study of human social interaction and relationships. It also investigates the social causes and consequences of things like romance, love, gender identity, family conflicts, behavior, aging, crime, and religion. It covers a wide variety of social issues and important matters. Sociology analyzes the important factors in people's lives, communities, and world. I will be using the labeling theory, which is an important approach to understanding why individuals commit deviant and criminal behavior. Deviance is defined as an action or a behavior that is not in line with social norms. Cannabis falls into this line since it is illegal, causes criminal behavior and stigmatizes stereotypes.

Labeling theory is an approach in the sociology of deviance that focuses on the ways in which the agents of social control attach stigmatizing stereotypes to particular groups,

and the ways in which the stigmatized change their behavior once labeled. (Nickerson, 2021, para. 1)

Business administration is the study of management and operations of a business or an organization. It also involves a basic understanding of finance, human resources, marketing, and accounting. I will be using the possession utility methodology, which is the amount of usefulness or value from owning a product. In my guidebook, I will explain the financial benefits that could be provided from the legalization of cannabis along with the value it could contribute to society. “Possession utility is the value consumers put on purchasing a product and having the freedom to use the product as it was intended or finding a new use for the product” (Jones, 2019, para 5).

Conclusion

In conclusion, ending the prohibition of cannabis in Texas would greatly help to reduce the discriminatory enforcement of marijuana-related drug laws across black and brown communities. Many minorities have been hurt socially and/or financially throughout the 90-year war on cannabis. Initially started by corrupt politicians, the campaign for the prohibition of cannabis was founded using racist ideology that described marijuana as a highly addictive and violent drug most minorities would use. Ideology that to this day continues to hurt and stereotype minorities. At Texas State alone, over half of the student population are categorized as minorities. As a Mexican American student, I want to create change that will help to mitigate the effects of cannabis possession in Texas.

To make change happen, it is imperative Texas State students are exposed to information that explains the discrimination minorities are held to when it comes to marijuana possession,

clears the false narratives around cannabis use, and gives the reader the right information to make their own decisions around this subject.

I have developed a guidebook, located in Appendix A, that focuses on this information in an easy-to-read format with visuals, helpful links, and resources. Students, who after reading the guidebook, decide they would like to support the cannabis movement will also have access to key steps that will outline how to mobilize and support political and grassroots organizations to legalize marijuana in Texas.

During the creation of this project, I encountered three limitations concerning research. I had to be cautious of the websites I used as resources as there were numerous sites that included false cannabis claims. I made sure the information I acquired was from reputable sources.

My second limitation was time. Although I had three months to work on this project, I found I needed more time to review information. Cannabis possession and its connections to racial disparity is a huge issue, and there is a vast number of articles and research related to it. The information I've been exposed to has made me even more interested in this subject.

Lastly, I wanted to interview police officers about their views this issue and the laws related to it. I reached out to four police officers, but I didn't receive a response.

When I think about how my research could be used in the future, I immediately think about the development of presentations that could be used alongside my guidebook. These presentations could give an overview of the detailed information I have in the guidebook to educate students about the legal consequences of cannabis in Texas. I believe this information could be especially helpful to incoming freshman and transfer students during new student orientation. It would benefit students tremendously to have this information at the beginning of

their college experience at Texas State University to avoid disruption of their studies because of a possible incarceration due to cannabis possession.

My hopes are also that my research helps to highlight the problem with the way race statistics are reported on for cannabis possession arrests. In Texas, Latinos and Hispanics are often grouped in with the white population. This artificially inflates the number of “white” arrests compared to black arrests. As a result, the numbers reported on are made to seem comparable when there is a significant disparity.

I am hopeful in the next couple of years my project topic is no longer a problem in Texas. With cannabis legalization looking more likely for Texas in the future, it will help eradicate the racial discrimination caused by cannabis. In addition, the legalization of cannabis will bring an influx of income to Texas that could be reinvested to help Texas communities. For example, these funds could be used in public schools and city government offices for safety programs to proactively educate the community on cannabis rather than pushing false fears that could have adverse effects.

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Appendix A



TEXAS CANNABIS

STUDENT GUIDEBOOK

A guidebook for Texas State University students
on the 'truths' and 'non-truths' about cannabis,
its ties to racial discrimination,
and essential information to know.

By: Juanluis Zepeda
December 2021

PREFACE

The *Texas Cannabis* Student Guidebook is meant to educate Texas State University students on cannabis. This guidebook will clarify general mistruths about cannabis, highlight its relation to racial discrimination, and provide essential information on what you need to know if you're caught with cannabis in San Marcos, Texas.

You can also use this guidebook as a reference to help you become educated on this topic. If you feel you want to learn more about this topic or if you feel you want to support movement toward the legalization of cannabis in Texas, helpful links and listings to cannabis-related organizations are included.





AUTHOR BIO

Juanluis Zepeda is a senior at Texas State University pursuing a bachelor's degree in general studies with focuses in three disciplines; criminal justice, sociology, and business administration.

His capstone project involved the creation of a research driven essay titled *Racial Disparity Exacerbated by Texas Cannabis Laws*. With the help of interviews conducted with local advocates, criminal law attorneys, and the dean of students office at Texas State University, Juanluis constructed the *Texas Cannabis Student Guidebook*. This guidebook was developed to be used by Texas State University students to help clarify mistruths around cannabis and its relation to racial discrimination. It will also inform students about essential information to know when faced with this issue.

As a Mexican American and student at Texas State University, Juanluis feels passionate about this issue. He wants to create change that will help mitigate the effects of cannabis possession in Texas.

Juanluis looks forward to his upcoming graduation from Texas State University in the Fall of 2021.

TEXAS CANNABIS

STUDENT GUIDEBOOK

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CHAPTER ONE: WHAT IS CANNABIS

WHAT IS CANNABIS?

Cannabis, also known as weed, marijuana, grass, green, chronic, ganja is a psychoactive herbal drug from the Cannabis plant. The two most popular subspecies known are Cannabis Sativa and Cannabis Indica.

The first recorded documentation of cannabis shows it as a native plant from the regions of Central Asia and the Indian subcontinent. Cannabis is a plant that's been used as a drug for both recreational and medicinal purposes for centuries.

There are 483 known compounds that make cannabis and over 100 various cannabinoids. The most well-known and studied are (THC) Tetrahydrocannabinol or Delta-9 tetrahydrocannabinol and (CBD) Cannabidiol. THC is the main psychoactive component of cannabis, which causes the feeling of being "high".

CBD is the other cannabinoid that is used for medical purposes. CBD is a psychoactive compound but does not produce any of the psychoactive effects like THC. Cannabis can be used by smoking, vaporizing, within food, or as an extract.



DIFFERENCES BETWEEN INDICA/SATIVA

CANNABIS SATIVA

Sativa is known to be the “daytime” strain because of the uplifting stimulating effects it produces for the “head high.” Common effects associated with Sativa are: euphoria, happiness, energy, and an elevated productive or creative mood. Sativa is used to help with stress, anxiety, and to sharpen focus, and boost creativity and motivation.

What does sativa look like?

- Tall and lean cannabis bud
- Airy body (less dense).
- Contains a higher level of THC than CBD.
- Cannabis sativa leaves are long and skinny.



Sativa Bud



Sativa Plant Leaf

CANNABIS INDICA

Indica is known to be the “nighttime” strain because of the “full-body high” effects it produces. Common effects associated with Indica are: increase in appetite, euphoria, happiness, and drowsiness. Indica is used to help with stress, anxiety, and insomnia.

What does indica look like?

- Short round cannabis bud
- A thick body (denser).
- Contains a balanced level of THC & CBD
- Cannabis sativa leaves are wide and short.



Indica Bud



Indica Plant Leaf

HYBRID (SATIVA/INDICA)

Hybrid strains of cannabis contain a mixture of Indica and Sativa. Effects produced by hybrids vary, but each hybrid strain has a unique ratio of the two cannabinoids. THC/CBD Hybrid cannabis buds also vary.

CHAPTER ONE: THC/CBD

THC



The different characteristics of CBD and THC are outlined here. They have similar medical benefits and can provide relief from several of the same medical conditions. It's important to note that neither compound is fatal.

CBD



(THC) is the main psychoactive compound in cannabis plants. It's responsible for the state of the euphoria, known as the "high," associated with cannabis use.

Used for:

- Chronic Pain
- Muscle Spasticity
- Glaucoma
- Insomnia
- Low Appetite
- Nausea
- Anxiety
- Cancer

Ways to Use:

- Capsules
- Smoking
- Tinctures
- Edibles (Food)
- Oils
- Vapes
- Oral Sprays
- Topical Creams
- Transdermal Patches

Side Effects:

- Increased Heart Rate
- Coordination Problems
- Dry Mouth (Cotton Mouth)
- Red Eyes
- Slower Reaction Time
- Memory Loss (Short-Term)
- Anxiety
- Weight Loss/Gain

TEXAS LAW: ILLEGAL

(CBD) Cannabidiol is a psychoactive cannabinoid. It carries no euphoric or intoxicating effects unlike THC does.

Used for:

- Seizures
- Inflammation
- Chronic Pain
- Psychosis or Mental Disorders
- Inflammatory Bowel Disease
- Nausea
- Migraine
- Depression
- Anxiety
- Cancer

Ways to use:

- Smoked
- Oils
- Extracts
- Capsules
- Patches
- Vapes
- Topical Creams
- Transdermal Patches

Side Effects:

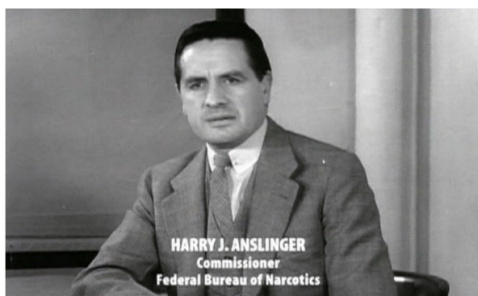
- Appetite Changes
- Fatigue
- Weight Loss/Gain
- Dizziness
- Diarrhea

TEXAS LAW: LEGAL

CHAPTER TWO: CANNABIS HISTORY

CANNABIS HISTORY

To get a sense of why this topic is important, it is imperative to learn about cannabis and why it became an illegal drug. For most of America's history, cannabis was legal and hardly a problem. It was used in various medicines made by doctors to treat a variety of ailments, and it was also known for its textile use to make hemp fibers for clothing and other materials (PBS, n.d., para. 3). Because cannabis has multiple uses, other than for recreational drug use, it is a wonder why it would be criminalized.



Pictured Above: Harry J. Anslinger, Photo Credit: Google.com

History reveals the prohibition of cannabis was started by corrupt government officials. In 1930, a man by the name of Harry Anslinger was the commissioner of the Federal Bureau of Narcotics, and he used racist ideology to push the prohibition of cannabis because his job was in jeopardy. His department's budget was at risk of being cut, and he had to find a drug he could criminalize. Anslinger described marijuana as the drug most minorities would use. He is quoted:

"There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing, result from marijuana usage. This marijuana causes white women to seek sexual relations with Negroes, entertainers and any others." (Solomon, 2020, para. 6)

Anslinger villainized cannabis by coining it "marijuana" or "marihuana." This change in terminology was purposely done to tie a Mexican influence to cannabis. At that time, there was an influx of Mexican immigrants who came to America after Mexico's 1910 revolution. Marijuana is a term Mexican people used for wild tobacco that was grown in different parts of Mexico and not for cannabis. Therefore, marijuana is not the correct term for cannabis, but both terms are used mistakenly interchangeably today. Anslinger was successful in creating a significant tension in the white community with his racially profiled perception of cannabis use. In 1937, he went in front of Congress to testify about the dangers of cannabis. Anslinger said to Congress:

"Some people [under the influence of marijuana] will fly into a delirious rage, and they are temporarily irresponsible and may commit violent crimes. Other people will laugh uncontrollably. It is impossible to say what the effect will be on any individual." (Tarricone, 2020, para. 9)



Pictured Above: William Randolph Hearst, Photo Credit: astro.com

Anslinger wasn't alone in his campaign. Soon after his testimony he had the help of his friend, William Randolph Hearst. Hearst owned many media outlets, "At the peak of his fortune, in 1935, he owned 28 major newspapers and 18 magazines, along with several radio stations, movie companies, and news services" (William Randolph Hearst, 2021, para. 6). He controlled the majority of the US news media and would push Anslinger's agenda. Hearst helped with the prohibition movement because hemp was a huge competitor to his paper mill, since hemp paper proved more durable and easier to manufacture. Additionally, a breakthrough invention at the time, called a decorticator machine, effectively processed hemp fibers instead of doing it by hand. This further motivated Hearst to protect his timber assets.

CHAPTER TWO: CANNABIS HISTORY

With the help of his mass media empire, Hearst had major control of the United States news outlets. He used those outlets to spread racist cannabis propaganda. With newspaper article and ad's.



Pictured Above: Cannabis Propaganda News Ad, Photo Credit: kqed.org

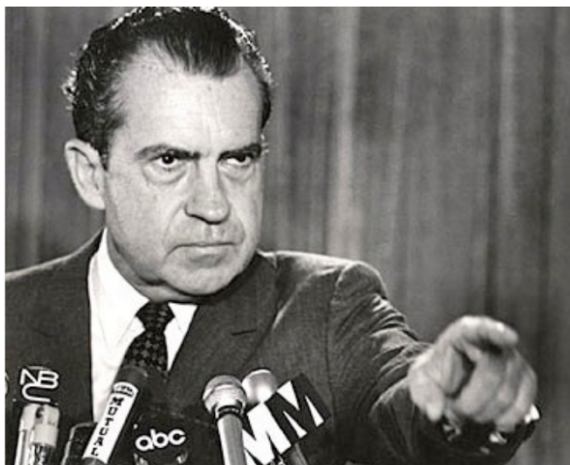
Movies were also produced to help spread propaganda villainizing cannabis. One of the most infamous movies was *Reefer Madness*. Below is a QR code to watch the movie.



Pictured Above: Reefer Madness, Photo Credit: postwire.com



QR Code to Watch Reefer Madness on Youtube



Pictured Above: Former President Richard Nixon, Photo Credit: marijuanapolitics.com

During the late 1960s, former President Richard Nixon appointed an investigative committee, named the Shafer commission, to study drug abuse in the United States of America. Surprisingly, this bipartisan commission concluded that cannabis was not a harmful substance and that possession in small amounts should be decriminalized. President Nixon ignored his own committee's recommendation and advanced with a "War on Drugs" campaign to target drug use. He went on to approve the 1967 Controlled Substances Act which classified heroin, cocaine, and cannabis as schedule one substances. The US Government deemed schedule one substances as drugs with no medicinal value and a high risk of abuse. In 1994, one of President Nixon's former aides, John Ehrlichman, stated during an interview:

"We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did." (Baum, 2016, para. 2)

SIX STEPS YOU CAN TAKE

TO HELP THE CANNABIS MOVEMENT

1 Educate Yourself

A productive way to start helping the cannabis movement is to educate yourself on the topic. You can start by researching what events lead to cannabis prohibition back in 1937. By learning the history, medicinal/recreational uses, and issues, one can use a professional and educated message that will reach more people in an educated manner. Below are links to such sites that can help you on your journey.

The QR code to the right will take you to a short video about cannabis history.



Adam Ruins Everything, Youtube.com

WHY BECOME AN ADVOCATE AND HELP THE CANNABIS MOVEMENT?

You might be wondering why should I become an advocate? An advocate is someone who uses their voice to raise awareness and push for a change. Advocates are everyday people who have the same idea for change. Without advocates, issues might never change and we need them more than ever to help the movement.

Becoming an advocate can come with many benefits. You will be able to meet new people and network with other activists who share the same ideas. By following these 6 steps you can make an impact and help the cannabis movement.

By helping the cannabis movement we can help end the racial discrimination minorities face for cannabis possession. We will be able to help minorities stay out of jail for petty cannabis crimes. Legalization will bring massive amounts of money and thousands of new jobs. Texas has the 9th largest economy in the US by GDP. We have a booming economy with strong employment and job opportunities for the coming years. Adding an influx of income to our already growing economy can greatly increase our way of living. It can be reinvested into Texas, education, social programs, healthcare, and most importantly back to the communities that have been hurt by cannabis laws and much more.

2 Find Advocacy Organizations

A great way to help the movement from your home is to look up and visit Advocacy Organizations that are pushing for the legalization of cannabis. By going to the sites, you will see various ways to help. Examples: volunteering, joining online petitions, or donating. There are many local and national organizations that you can choose from. Below are QR codes to local & national organizations that you can learn about.

3 Meet with Local Activists

By looking up local advocacy organizations you will be able to meet activists who are pushing for cannabis legalization. By meeting with local activists, it will offer a place to exchange ideas and information on important topics. It will also provide a perfect setting to network with people who are pushing for the same agenda. I got to meet with a local advocate from Mano Amiga, who educated me on the Cite and Release program they advocated in San Marcos. The Cite and Release program is meant to keep people from being immediately arrested and the ordinance gives them thirty days to get affairs in order before turning themselves into the jail to be booked.

Mano Amiga



Texas Norml



ACLU Texas



Drug Alliance Policy



CHAPTER THREE: SIX STEPS ON HOW TO BECOME AN ADVOCATE

4 Contact Local Representatives

An important step towards cannabis legalization is by contacting your local representative. You can call, email, or set a meeting in person. Local representatives can be a way to get an established voice to speak out on important issues such as cannabis legalization. A way to find out who your local representative is and if they're opposed or for cannabis is to scan the QR code provided below. The website is from an advocacy organization called NORML.

NORML



Drug Policy Alliance



If you choose to contact your local representative it's important to know how to properly contact them. Some politicians have a negative viewpoint of cannabis and contacting them may seem like a wasted effort. But don't be so quick to assume this. By doing so in a respectful manner you can help educate politicians who may not be fully informed about cannabis and the benefits it could bring to Texas. The Drug Policy Alliance group has a page dedicated to how to respectfully talk and contact local representatives. The QR code above will take you to the Drug Policy Alliance page.



Pictured Above: Texas State Capital Photo Credit: Canva.com

5 Talk to Family and Friends

A great way to spread the word about cannabis is by talking to those who are around you, such as family and close friends. By educating and expressing your opinions can help spark the conversation on the importance of cannabis legalization. You might run into some of those around you who have a negative view of cannabis, so the best way to handle it is to avoid arguing.

6 VOTE!

The single most important step to show your support and help cannabis legalization is to vote! By voting, you are getting to express your voice through local representatives who share the same ideas you support. Make sure you look up who your representatives are and what they support. Politicians are more inclined to have conversations about issues when they need your vote. So make sure you know whom you are voting for and what they stand for. Below I have provided a QR code to check if you're registered and shows you how to register to vote. Lastly, it's important to be registered. To become a registered voter in Texas one must meet the following requirements:

- A U.S. Citizen
- A resident of the county where you submit the application.
- 18 years old or older on Election Day
- Not convicted of a felony (you may be eligible to vote if you completed your sentence, probation, or parole).
- You have not been declared by a court exercising probate jurisdiction to be either totally mentally incapacitated or partially mentally incapacitated without the right to vote.

Texas Voter Registration



TEXAS CANNABIS LAWS & PENALTIES



What You Need to Know

Texas has some of the harshest laws for cannabis in the nation. It's imperative to inform students on the legal consequences that one could face while in possession of cannabis. This page serves to help students make smart decisions. I will be explaining the differences of Class A/B/C misdemeanors, and warn students of the potential felonies that one could face with THC concentrates.

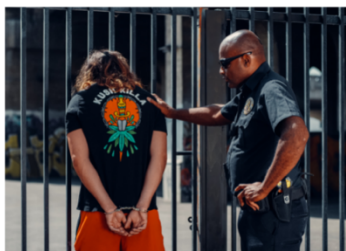


Photo Credit: Canva.com

Misdemeanor

Misdemeanors are less serious crimes than felonies. Even though misdemeanors are not as severe as felonies, you need to take it seriously. A conviction will give you a criminal record that can have long-term effects such as hindering your ability to find employment. You can still potentially face jail time upon conviction for a misdemeanor.

Texas Laws and Penalties for Cannabis

Offense	Penalty	Incarceration	AND/OR	Max Fine
Possession				
2oz or Less	Misdemeanor Class B	180 Days	(A/O)	\$2,000
2 - 4oz	Misdemeanor Class A	1 Year	(A/O)	\$4,000
4oz - 5Lbs	State Jail Felony	180 Days* - 2 Years	(A/O)	\$10,000
5 - 50Lbs	Felony 3rd Degree	2* - 10 Years	(A/O)	\$10,000
50 - 2,000Lbs	Felony 2nd Degree	2* - 20 Years	(A/O)	\$10,000
Over 2,000Lbs	Felony 1st Degree	5* - 99 Years	(A/O)	\$50,000
* Mandatory Minimum Sentence				
Sale				
7 Grams or less for no remuneration	Misdemeanor Class B	180 Days	(A/O)	\$2,000
7 Grams or Less	Misdemeanor Class A	1 Year	(A/O)	\$4,000
7 Grams - 5Lbs	State Jail Felony	180 Days* - 2 Years	(A/O)	\$10,000
5 - 50 Lbs	2nd Degree Felony	2* - 20 Years	(A/O)	\$10,000
50 - 2000Lbs	1st Degree Felony	5* - 99 Years	(A/O)	\$10,000
Over 2,000 Lbs	1st Degree Felony	10* - 99 Years	(A/O)	\$100,000
Sale to Minor	2nd Degree Felony	2* - 20 Years	(A/O)	\$10,000
* Mandatory Minimum Sentence				
Hash & Concentrates				
Possession of less than 1 Gram	State Jail Felony	180 Days - 2 Years	(A/O)	\$10,000
Possession of 1 - 4 Grams	3rd Degree Felony	2 - 10 Years	(A/O)	\$10,000
Possession of 4 - 400 Grams	2nd Degree Felony	2 - 20 Years	(A/O)	\$10,000
Possession of more than 400 Grams	1st Degree Felony	10 Years - Life	(A/O)	\$50,000
Manufacture or delivery of less than 1 Gram	State Jail Felony	180 Days - 2 Years	(A/O)	\$10,000
Manufacture or delivery of 1 - 4 Grams	3rd Degree Felony	2 - 20 Years	(A/O)	\$10,000
Manufacture or delivery 4 - 400 Grams	2nd Degree Felony	5 - 99 Years	(A/O)	\$10,000
Manufacture or delivery of more than 400 Grams	1st Felony	10 Years - Life	(A/O)	\$10,000
Paraphernalia				
Possession of Paraphernalia	Misdemeanor Class C	N/A	(A/O)	\$500
Sale of Paraphernalia (First Offense)	Misdemeanor Class A	1 Year	(A/O)	\$4,000
Sale of Paraphernalia (Subsequent Offense)	State Jail Felony	90 Days - 1 Year	(A/O)	\$4,000
Sale to Minor	State Jail Felony	180 Days* - 2 Years	(A/O)	\$10,000
* Mandatory Minimum Sentence				
Miscellaneous				
Falsifying a Drug Test	Misdemeanor Class B	180 Days	(A/O)	\$2,000

Class A:

- Class A misd are the most severe out of these misdemeanors.
- A conviction for a Class A misdemeanor carries up to a year in jail. It also carries the potential for a fine of up to \$4,000

Class B:

- Class B misd are a midrange misdemeanor.
- A conviction for a Class B misdemeanor carries up to 180 days in county jail. Defendants can also be made to pay a fine of up to \$2,000

Class C:

- Class C misd are the least severe out of the three classes.
- Convictions for Class C misdemeanors carry up to \$500 in fines. Unlike other criminal offenses, there is no jail time for a Class C misdemeanor.



TEXAS CANNABIS LAWS & PENALTIES



Possession of Drug Paraphernalia



Photo Credit: Canva.com

- Possession of Drug Paraphernalia (PODP) is possessing any equipment that is used to produce, ingest, conceal, and or transport illicit drugs. (Class C Misdemeanor)
- That includes:
 - Bongs/Pipes
 - Rolling papers
 - Lighters
 - Roach clips
 - Storage Jars
 - Grinders
 - Car Seats
 - Weight Scale
 - Plant Holder
- Anything that can be used to produce, conceal, or to consume illicit drugs.

Possession of Marijuana

In the state of Texas, the possession of marijuana varies from a class A or B misdemeanor. Depending on the amount you are in possession of. It is important to note that these misdemeanors carry hefty fines and possible jail time.



Photo Credit: Canva.com



THC Cartridge



Kief



THC Dab



THC Edibles



Hash



THC Concentrates Information

Possession of Concentrates & Hash

The rising popularity of THC concentrates in Texas can be harmful to students who are unaware of the consequences they carry. The difference between cannabis and concentrated THC is vast. Top shelf Cannabis is normally around the range of 20%-25% THC and concentrates can contain anywhere from 40%-90% THC.

The possession of THC concentrates and manufacturing are punishable **felonies**. The possession of any amount of concentrate can be prosecuted as a felony. Even having a used/empty THC Cartridge would be considered a felony that carries up to two years in jail. It also carries the potential for a fine of up to \$10,000.

I also want to mention Kief, which is one of the oldest forms of a THC concentrate. It can be collected by using a four-piece herb grinder. The bottom of the grinder catches the pollen-like substance. This is considered a THC concentrate as it can be used to make hashish.

You need to be aware of the consequences of having any type of THC concentrate. It's not worth the trouble. I personally advise you to stay away from concentrates until cannabis is legalized in Texas. Remember, even in states where THC is **LEGAL**, all cannabis is still **ILLEGAL** under federal law. If you want to know more about concentrates I provided a QR code above.

CHAPTER FOUR: TEXAS CANNABIS LAWS & PENALTIES

THINGS TO KNOW

CLASS A MISDEMEANOR

An example would be possessing Marijuana 2 - 4oz . You may be cited and released, or arrested immediately.

If you are given a Field Release, It's advised that you immediately contact a private attorney or Attorney for Students Office to get legal advice.

If you are immediately arrested DO NOT answer any more questions and ask for a lawyer. You have the right to remain silent and the right to an attorney. Invoke your rights! Say,

"I wish to remain silent and I would like to talk to a lawyer."

Now you do have the right to contact a lawyer, but if you don't have a number memorized, you need to call a family member or friend, who can contact them for you. Remember that any calls made to anybody other than an attorney can be recorded and could be listened to by police, and all that information can be used against you in a court of law. If you are talking to an attorney, the call remains confidential.

CLASS B MISDEMEANOR

An example would be possessing Marijuana 2oz or less. You may be cited and released, or arrested immediately.

If you are given a Field Release, It's advised that you immediately contact a private attorney or Attorney for Students Office to get legal advice.

If you are immediately arrested DO NOT answer any more questions and ask for a lawyer. You have the right to remain silent and the right to an attorney. Invoke your rights! Say,

"I wish to remain silent and I would like to talk to a lawyer."

Now you do have the right to contact a lawyer, but if you don't have a number memorized, you need to call a family member or friend, who can contact them for you. Remember that any calls made to anybody other than an attorney can be recorded and could be listened to by police, and all that information can be used against you in a court of law. If you are talking to an attorney, the call remains confidential.

CLASS C MISDEMEANOR

An example, if you get a ticket or simple citation for (PODP) Possession of Drug Paraphernalia, which is an offense that carries no jail time but a citation up to \$500.

You would assume that you just need to pay the ticket as if it were just an ordinary ticket citation. This is wrong. Don't ever pay any ticket outright (even traffic tickets).

If you pay it outright, you are pleading (No Contest/Nolo Contendere) or (Guilty), which is a guilty verdict and is also a conviction that can never be expunged from your record.

If the case is dismissed outright or if you win at trial you may be eligible to expunge your record.

You should plead (Not Guilty), and ask for a hearing. Speak to a private attorney or the Attorney for Students Office to determine your next steps.

WHO TO CONTACT?

I got to talk to a private attorney in San Marcos, who gave me this advice. If you are ever in this situation it is important to know whom to call if faced with this situation. And to take the right steps. Private attorneys might not be the best choice for everyone, because they are expensive. If you find that you can't afford an attorney, you will be given a public defender. But as a student of Texas State University, you have a third option.

The university has a resource called Attorney for Students Office that is provided for students. They can handle a wide variety of legal issues including drug crimes. I would advise you check them out. They have amazing lawyers who are there to help students.



San Marcos Criminal
Lawyers



Texas State University
Attorney for Students
Office

CITE AND RELEASE

What is Cite and Release?

Cite and release (C&R) is a city ordinance that aims at reducing unnecessary arrests. San Marcos became the first city in Texas to implement this law on May 31st, 2020. The law directs officers of the San Marcos Police Department to issue citations for low-level offenses. The leading arrest charge for Hays County since 2013 has been the possession of marijuana. Cite and Release also covers other offenses as well.

- Class C misdemeanors other than public intoxication, assault, or family violence.
- Possession of Marijuana less than 4 oz, Class A & Class B misdemeanor, Texas Health, and Safety Code 481.121(b)(1)&(2).
- Driving while License Invalid, Class B misdemeanor, Texas Transportation Code 521.457.
- Criminal Mischief, Class B misdemeanor, in an amount equal to or less than \$375, Texas Penal Code 28.03(b)(2).
- Graffiti, Class A or Class B misdemeanor, in an amount equal to or less than \$375, Texas Penal Code 28.06(b)(2)&(3).
- Theft of Property, Class B misdemeanor, in an amount equal to or less than \$375, Texas Penal Code 31.03(e)(2)(A).
- Theft of Services, Class B misdemeanor, in an amount equal to or less than \$375, Texas Penal Code 31.04(e)(2).

What is the process of Cite and release?

A common misconception about Cite and Release is that you will only get a citation as if it were a traffic ticket that you can just pay. In reality, being "cited" is when the police actually issue a field release, and then the individual is booked, just at a later date. The only difference is that if the police use Cite and Release process, they will issue a "field release" which is a legal document that requires the individual to show up at the jail at a later date (usually 30 days from the date of the alleged incident). Below will show the differences between an immediate arrest and Cite and Release. The reason for this is because Cite and Release can be used at the officer's discretion, meaning that even if the offense the individual is accused of, is under the Cite and Release ordinance, the officer can still choose to arrest the individual immediately.

Immediate Arrest

- Police arrest you.
- Take you to jail.
- Police will book you at the jail.
- They will take your fingerprints, mugshot, and get your information.
- Then the Magistrate judge will set bail.
- If you cannot afford the bail, you will sit in jail until someone can post your bond or wait until your court date (which can take months).



Photo Credit: Canva.com

Cite & Release

- You are stopped and given a field release. This is not a simple ticket that can be paid.
- The field release is a legal document that requires you to turn yourself into the jail within 30 days of the incident.
- The 30 days that give the individual time to gather money for the bail, and time to get their affairs in order, such as giving notice to school, notifying work or arranging for child care for the day you get booked into jail.
- Turn yourself into the jail.
- Police will book you.
- They will take your fingerprints, mugshot, and get your information.
- Then the Magistrate judge will set bail.
- If you cannot afford the bail, you will sit in jail until someone can post your bond or wait until your court date (which can take months).

STUDENT CODE OF CONDUCT



The Texas State Student Code of Conduct is a document that establishes the rules and policies of the university. It's applicable to any person currently enrolled at Texas State University, including online and other remote learning. This page is to help inform you on how Texas State University sanctions students who are caught with cannabis.

Code of Student Conduct

II. Responsibilities of Students

2.02 Conduct Prohibited

N. Possessing, using, selling, or distributing and illegal drugs or controlled substances and/or drug paraphernalia. (The sanctions for this violation range from mandatory **counseling to expulsion**. A second infraction shall result in **expulsion**.)

If the university police department tickets or arrests you for marijuana or drug paraphernalia you are also breaking the Student Code of Conduct (2.02, N). UPD has authority even off campus!

For example if you smoke in your car before class and UPD pulls you over. You have no paraphernalia or marijuana. UPD may not have enough evidence for a citation of the law. But with the strong smell, they might issue a referral to the Dean of Students Office. Because the Student Code of Conduct includes the "Use" of drugs which is a violation of school policy. You are still responsible for the violation even if you are not given a citation by UPD. To learn more about the Student Code of Conduct scan the QR code below.

Student Code
of Conduct



HOW TO INTERACT WITH LAW ENFORCEMENT



TRAFFIC STOP



- Pullover immediately.
- Turn off your vehicle.
- Stay calm and cool.
- Keep your hands on the steering wheel. Cops want to see your hands at all times for their safety.
- If you are pulled over at night, make sure to turn the dome light in your car. So the officer can see you are not armed or a danger.
- Wait for the officer to ask you for your license, proof of insurance, and registration.
- After you have given the officer your papers, you legally do not have to say anything else.
- The police officer may ask you questions like:
 - "Do you know why I pulled you over?"
 - "Are you a student?"
 - "Where are you going?"
 - "Where are you coming from?"
 - "Is there anything in the car I should know about?"
- You are advised to say in a polite manner **"Officer, I don't answer questions."**
- If the officer knew the answers to those questions they wouldn't be asking you. These questions are meant to get you talking to build a case against yourself.
- If the officer asks you if they can search your car you politely say, **"Officer, I don't consent to a search."**
- If the police officer asks you to get out of the car, get out of the car. Be respectful, getting angry over this or acting inappropriately can lead to greater consequences.
- They will tell you that they are going to pat you down to make sure you don't have anything that could hurt them. You don't have to consent to that, you say **"Officer, I don't consent to a search."** They most likely will still pat you down don't fight it, let your attorney know later.
- If they ask if they can look into your backpack, glove compartment, trunk anything you say, **"Officer I don't consent to a search"**.
- Never tell a cop you know your rights, or use vulgar language. Instead, show them that you know your right by asserting them in a calm respectful manner.
- Beware that police officers don't have to tell the truth about anything and can legally lie.
- Never let false threats or promises into tricking you to waive your rights.
- Common false threats are: **"I can call a K-9 unit to rip apart your car and find what you're hiding."**
- If the officer tells you they have Probable Cause and they're going to conduct a search, that doesn't necessarily mean they ACTUALLY have Probable Cause.
- Refusing a police officer's search request is **NOT** evidence of guilt and does **NOT** give the officer the right to search or detain you.
- If you are not being detained or arrested you may terminate the encounter but don't wait for the officer to dismiss you.
- Ask the officer in a polite manner, **"Officer am I being detained, or am I free to go?"**
- If you are being detained he/she will tell you to stay put.
- If you choose to assert your rights, the police will find you difficult but it will make them more cautious about violating your rights.

HOW TO INTERACT WITH LAW ENFORCEMENT



TRAFFIC STOP - Q&A

If I have nothing to hide, why shouldn't I let them search my car?

You can let the police search your car or not, the choice is yours. But there are reasons to think carefully about letting the police search your car.

- Searches can be destructive to your property. If valuables get damaged you may not be compensated because you agreed to the search.
- A relative, friend, or previous owner could have left drugs behind you may not know about.
- Any illegal items found after consent can lead to an arrest. Even if you have nothing to do with it.
- Agreeing to a search makes it legal to the courts and law.
- The Fourth Amendment is there to protect you from unreasonable searches, and it's your responsibility to use your rights. You always have the right to refuse a search.

What if they search me anyway?

It's not guaranteed that refusing a search will stop police from searching, but refusing the search could help you later if you end up in court. If the police search without consent, your attorney can challenge that.

What is probable cause and gives police the right to search without consent?

Probable cause means that an officer has clear facts or evidence to believe that you're involved in criminal activity. An officer will say they have probable cause if they can view something in your car like:

- Baggies = Drug Paraphernalia
- Spray paint cans = Vandalism
- The odor of marijuana = Drugs

Is the smell of marijuana a probable cause to search?

Yes, the smell of marijuana in a vehicle provides the officer with probable cause. The Texas courts are clear about that. If an officer smells marijuana, it provides him/her probable cause to search certain areas of your vehicle. It's important to note that probable cause does not give the officer the right to search you.

An officer might say something to you like:

- "Your car smells like weed, you might as well come clean".
- "You know I'm going to search it anyway, so you might as well let me do it."

Don't let the officer trick you into incriminating yourself. It makes your attorney's job harder to prove that the search was illegal. Don't give up your Constitutional rights so easily. **Never admit ownership.**

The cop will most likely ask you to step out of the car, do it, don't fight back. They may try to pat you down for the officer's safety or to find weapons. You say: "**Officer I don't consent to a search.**" If the officer continues to search you anyway and feels something in your pocket, the officer may ask you, "**What's in your pocket?**". If you have a bag of cannabis or anything else illegal in your pocket, do not pull it out willingly, and do not tell the officer what it is.

Remember, the smell of marijuana is not probable cause to search your person. Unless you give consent or are arrested, a search of your person is not allowed – only a pat-down for weapons for officer safety.

You say politely,

"Officer, I do not consent to a search."

Appendix B

General Studies 4350 – Interdisciplinary Project

Racial Disparity Exacerbated by Texas Cannabis Laws: Student Guidebook Solution

Juanlus Zepeda

Abstract

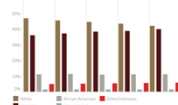
Illegal cannabis, or marijuana, use has had a deep and negative impact across racial groups in Texas. It is seen through the discriminatory enforcement of drug laws across minority communities, which produce a disproportionate number of cannabis-related arrests and incarceration rates. This disparity is caused and fuelled by misinformation. Marijuana has been represented by false narratives that stereotype it as highly addictive, violent, and mostly present in low-income minority areas. Yet, marijuana has a lower mortality risk than drugs like alcohol and tobacco, and the usage rates between whites and non-whites are similar. The purpose of my research is to shed light on the discrimination minorities are held to when it comes to marijuana possession, clear the false narratives around cannabis use, and give the reader the right information to make their own decisions around this subject. I gathered information for this project through interviews with local advocates and criminal law attorneys, research of academic articles, and conversations with advocate organizations. As a result of my research, I realized Texas State University students are likely to be affected by this issue as more than half of the student population is categorized as a minority. The development of a guidebook would help to clarify general mistruths about cannabis, highlight its relation to racial discrimination, and inform students about essential information to know when faced with this issue. Therefore, I used my minors in sociology, business administration, and criminal justice to create a guidebook that would achieve this in hopes of empowering students with the right information.

Keywords: Racial discrimination, racial disparity, cannabis, marijuana.

Audience Analysis

My primary audience is the student body at Texas State University. The use of cannabis has been prevalent on college campuses for years. At Texas State University, over half of the student body is classified as minority. Because the school is diverse, there is a high potential for Texas State University students to be targeted for carrying small possessions of cannabis. This could significantly delay or prevent these students from finishing their collegiate careers.

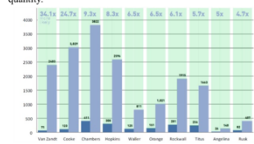
Race and Ethnicity
Minority enrollment has steadily increased in recent years, with Hispanic enrollment counting for over 50% of total enrollment and overall minority enrollment over 50%.



Texas State University student demographics (2021, TexasStateUniversity)

Problem Statement(s)

A significant number of Americans experience being stopped by law enforcement for a routine traffic violation, but what happens during that traffic stop is not a universal experience for everyone. Minorities are disproportionately targeted and searched by police officers because they are more likely to be found with illegal items, such as cannabis - also referred to as marijuana. If cannabis is found, it can lead to an immediate arrest, even if the amount discovered is a low quantity.



Top ten counties in Texas that show racial disparity for marijuana possession arrests. (ACLU, Texas, 2018)

This is a scenario that thousands of minorities face each day in the state of Texas because cannabis is stigmatized and used to racially target black and brown Americans. The American Civil Liberties Union (ACLU) reported that, "Black people are 3.6 times more likely than white people to be arrested for marijuana possession, despite similar usage rates" (ACLU, 2020, para. 9). This statistic refers to marijuana arrests on a national level. In Texas, "Black people were 2.6x more likely than white people to be arrested for marijuana possession" (ACLU, 2020, p. 92). Although this statistic reflects a lower rate in Texas as compared to the national average, Texas does have individual counties with a drastically higher number of marijuana arrests for people of color.

