

Risks of Vaping: Legalities

On June 8, 2019, Governor Abbott signed Senate Bill 21 into law, which raises the minimum age for distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products from 18 to 21. The new law will go into effect on September 1, 2019 and excludes members of the military and those born prior to 08/31/2019. Violations of the law will generate a Class C misdemeanor and a fine of up to \$500.



Additionally, each school district has a unique “student code of conduct” which provides information and direction to students and parents regarding expectations of behavior, as well as consequences for code of conduct violations. All school districts prohibit possessing, smoking or using tobacco products, cigarettes, cigars, e-cigarettes, and any component, part or accessory for an e-cigarette/vape device. Violations of the student code of conduct can result in a wide range of disciplinary actions.

Despite having been legalized in other states, possessing even a small amount of marijuana is a crime in Texas. The Texas Health and Safety Code says it is illegal for a person to knowingly or intentionally possess a usable quantity of marijuana. How much marijuana a person has in their possession will affect the level of severity of the offense.

- Up to 2 Oz– Class B Misdemeanor, punishable by up to 180 days in jail and up to a \$2,000 fine
- 2oz to 4oz– Class A misdemeanor, punishable by up to 1 year in jail and a \$4,000 fine
- 4oz to 5lbs– State Jail Felony, punishable by 180 days to 2 years in jail and up to a \$10,000 fine
- 5lbs to 50lbs– 3rd Degree Felony, punishable by 2 to 10 years in jail and up to a \$10,000 fine
- 50lbs to 2000lbs– 2nd Degree Felony, punishable by 2 to 20 years in jail and up to a \$10,000 fine
- More than 2000lbs– 1st Degree Felony, punishable by 2 to 99 years in jail and up to a \$50,000 fine

THC Oil in Texas (Wax, Dabs, Marijuana Concentrate)

Possessing THC (tetrahydrocannabinol) oil in Texas is considered a more serious crime than simply possessing marijuana. Over the last few years, vaping THC oil, which is a concentrated version of the mind-altering component of marijuana, has become popular. Under Texas law, THC oil or wax is considered a concentrate and possessing it is a felony criminal offense.

- Less than 1 Gram– State Jail Felony
- 1 Gram to 4 Grams– Third Degree Felony
- 4 to 400 Grams– Second Degree Felony
- 400 grams or more – First Degree Felony



The law considers THC oil and wax to be in a different penalty group than marijuana, due to the higher level of THC, and consequences are much harsher. So while a typical small amount of marijuana could be punishable as a misdemeanor, even a very small amount of THC oil can be punishable as a felony. The user believes that a low amount is a misdemeanor, much like a low amount of marijuana. This is a common misconception among students and parents. **Every THC oil case in Texas is a felony.**