

TX Tribune

The Brief

A MAN TRANSPORTING LEGAL HEMP WAS JAILED FOR NEARLY A MONTH

Aneudy Gonzalez had already been arrested and jailed once when a Texas Department of Public Safety trooper pulled him over last month. The 39-year-old contract driver was transporting a U-Haul rental truck full of hemp across the country — cargo that had gotten him a night's stay in an Arizona jail before officials determined it was legal.

Texas officials weren't as quick to come to that conclusion. After the Texas traffic stop outside Amarillo, Gonzalez was [jailed for nearly a month](#) on federal marijuana charges, and the hemp was seized. He was released last week after his case was dismissed, and his cargo is expected to be returned.

When Texas legalized hemp production last year, state lawmakers narrowed the definition of marijuana from the cannabis plant to cannabis with more than 0.3% tetrahydrocannabinol, or THC, the ingredient in the plant that produces a high. Any cannabis with less than that amount of THC is hemp, which is used in products like clothing, twine, protein powder and CBD oil.

Gonzalez's lawyers said they plan to pursue a civil lawsuit for his arrest and detention.

What happened? The DPS trooper who [pulled Gonzalez over](#) in December searched his cargo after smelling what he thought was marijuana. He then found thousands of pounds of "green leafy substance" in boxes and black trash bags. Gonzalez told the trooper he was transporting legal hemp from a California farm to a New York company and gave him a lab report that indicated the cargo met Texas' new legal definition of hemp, [according to a court briefing filed by Gonzalez's lawyers](#).

Still, Gonzalez was arrested and jailed on federal drug trafficking charges that could have potentially kept him in prison for life. DPS said the trooper believed that the material was marijuana based on his training and experience. The Texas agency then pointed to the U.S. Drug Enforcement Administration for further details. The agency's test showed the amount of THC was below 0.3%, which means it is also hemp under federal law, a spokesperson for the DEA late Tuesday.

What does this mean? Because the state law legalizing hemp is new, Texas officials are still in the process of creating regulations for hemp transportation and farming. In the meantime, law enforcement officers are finding what they believe to be marijuana in their day-to-day interactions.

Texas crime labs have been [scrambling to catch up](#) with the state's legalization of hemp, which unintentionally put pot prosecution in limbo because the state's public labs, like the on site tests, can't tell how much THC a plant substance has in it.

DPS and local public crime labs are expecting to [roll out a test](#) early this year to determine if a plant material has a THC concentration of above or below 2%. Although it's above the 0.3% legal cutoff, officials have said the number should satisfy law enforcement since nearly all plant marijuana prosecutions involve THC concentrations of 12% or higher.