

THE ATTORNEY GENERAL

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An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0545-KP

Requestor:

The Honorable Donna Campbell, M.D.
Chair, Senate Committee on Nominations
Texas State Senate

Post Office Box 12068
Austin, Texas 78711-2068

Re: Relating to the rights of a mentally incapacitated person who is a ward of a guardianship to represent himself in civil or criminal matters (RQ-0545-KP)

Briefs requested by July 22, 2024

RQ-0546-KP

Requestor:

The Honorable Donna Campbell, M.D.
Chair, Senate Committee on Nominations
Texas State Senate

Post Office Box 12068
Austin, Texas 78711-2068

Re: County authority to adopt portions of a fire code under Local Government Code section 233.062(c) (RQ-0546-KP)

Briefs requested by August 26, 2024

RQ-0547-KP

Requestor:

Mr. Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
1801 Congress Avenue, Suite 7.300
Austin, Texas 78701

Re: Whether a complainant is a party to a disciplinary action against a license holder under Occupations Code section 507.205(b)(2) (RQ-0547-KP)

Briefs requested by July 29, 2024

RQ-0548-KP

Requestor:

Ms. Laura Lee Brock, CPA
Clay County Auditor
214 North Main
Henrietta, Texas 76365

Re: Whether, using certain grant funds, a county's hiring of an administrative assistant to work in a dual role for the county judge and the prosecuting attorney constitutes a conflict of interest (RQ-0548-KP)

Briefs requested by July 29, 2024

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202402926
Justin Gordon
General Counsel
Office of the Attorney General
Filed: July 2, 2024



Opinions

Opinion No. KP-0469

The Honorable Charles Schwertner
Chair, Senate Committee on Business & Commerce
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

Re: Whether low-THC cannabis inventory may be transported between department-approved locations by a licensed dispensing organization before a prescription is issued and filled under the Compassionate-Use Act (RQ-0525-KP)

S U M M A R Y

The Texas Compassionate-Use Act in chapter 487 of the Health and Safety Code provides a regulatory structure administered by the Department of Public Safety for the medical use of low-THC cannabis in conjunction with chapter 169 of the Occupations Code. Neither the Compassionate-Use Act nor its associated regulations prohibit a licensed dispensing organization from transporting its low-THC

cannabis inventory between Department-approved locations prior to a prescription being issued and filled. Department rules generally contemplate the transportation of low-THC cannabis and likely do not prohibit the proposed scenario so long as any transportation of low-THC cannabis comports with the statutory exemption to the offense of delivery of marihuana provided by subsection 481.111(e)(2) of the Controlled Substances Act.

Opinion No. KP-0470

The Honorable John R. Gillespie

Wichita County Criminal District Attorney

900 Seventh Street

Wichita Falls, Texas 76301-2482

Re: Calculation of the limitation of school tax on homesteads of the elderly or disabled under Texas Tax Code section 11.26 (RQ-0528-KP)

S U M M A R Y

Tax Code section 11.26 sets a ceiling on the taxes a school district may impose on individuals qualifying for a property tax exemption as a disabled person or person sixty-five or older under Tax Code subsection

11.13(c). Subsection 11.26(a) includes a computation that compares the amount of tax imposed in the first and second year the person qualifies for the exemption. The computation of that ceiling under other provisions in section 11.26 that adjust for the Legislature's compression of school district maintenance and operations taxes (subsections (a-5) through (a-9)) does not include the two-year comparison set forth in subsection 11.26(a). But each of these compression adjustment provisions apply "notwithstanding" the other provisions of section 11.26. Accordingly, they control over the two-year comparison in subsection 11.26(a), and the school tax ceiling should be computed pursuant to those subsections without reference to the two-year comparison.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202403023

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Office of the Attorney General

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