

**RESOLUTION NO. 2024-37**

**A RESOLUTION OF THE CITY COUNCIL OF LOCKHART, TEXAS  
ACKNOWLEDGING THE ADOPTION OF THE CHARTER  
AMENDMENT KNOWN AS THE “LOCKHART FREEDOM ACT,” ON  
NOVEMBER 5, 2024, AND CALLING TO RESOLVE THE CONFLICT  
BETWEEN IT AND STATE AND FEDERAL CANNABIS LAWS**

**WHEREAS**, state and local governments share with the federal government the responsibility to ensure public health and safety are addressed through competent, thoughtful, and comprehensive legislation and regulation that is reflective of local values and needs; and

**WHEREAS**, as of 2021, forty-seven states, four U.S. territories, and the District of Columbia – representing 90.7% of the U.S. population – have passed laws decriminalizing or legalizing some form of recreational or medical marijuana; and

**WHEREAS**, on November 5, 2024, the voters of the City of Lockhart, Texas overwhelmingly passed a charter amendment known as the Lockhart Freedom Act (“Act”), which addresses reform to marijuana enforcement by city personnel; and

**WHEREAS**, on November 19, 2024, the City Council of the City of Lockhart canvassed the election and passed a resolution acknowledging the passage of the Act; and

**WHEREAS**, Section 12.03 of the Act prohibits Lockhart Police Department officers from making any arrest or issue any citation for Class A or Class B misdemeanor marijuana possession, except in limited circumstances set forth in the Act; and

**WHEREAS**, Section 12.04 of the Act mandates that the City shall update its annual budget to reflect that resources are not “wasted” on misdemeanor marijuana enforcement, but instead targeted at other programs that “best” promote the public health and safety; and

**WHEREAS**, Section 12.05 of the Act only permits enforcement of misdemeanor marijuana possession offenses if the offense is part of a felony narcotics investigation designated “high priority” or as part of a violent felony; and

**WHEREAS**, Section 12.07 of the Act prohibits Lockhart City Police Department officers from issuing a citation for possession of drug residue or paraphernalia in lieu of a possession of marijuana charge; and

**WHEREAS**, Section 12.08 of the Act prohibits the Lockhart City Police Department from using funds or personnel to perform certain cannabis-related testing of substances; and

**WHEREAS**, Section 12.09 of the Act prohibits Lockhart City Police Department officers from using the odor of marijuana or hemp as probable cause for any search or seizure, except in limited circumstances authorized by the Act; and

**WHEREAS**, Section 12.11 of the Act subjects Lockhart City Police Department officers to discipline as provided by the Texas Local Government Code or other City policy for violations of the Act; and

**WHEREAS**, the State of Texas has sued several Texas cities where similar measures have passed, including, most recently, Dallas, Texas; and

**WHEREAS**, the City Council of the City of Lockhart, Texas acknowledges that state law, specifically Section 370.003 of the Texas Local Government Code, among other sections, prohibits cities from adopting policies that prohibit the full enforcement of laws relating to drug enforcement, including Chapters 481 and 483 of the Health and Safety Code, and federal law; and

**WHEREAS**, it is the policy of the City Council of the City of Lockhart, Texas to respect the wishes of the voters while acknowledging that state and federal laws preempt local laws that conflict therewith; and

**WHEREAS**, it is further the policy of the City Council of the City of Lockhart, Texas, that it will not adopt or enforce a policy in direct and irreconcilable conflict with state or local law, including laws related to the enforcement and regulation of cannabis, as set forth in Section 370.003 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Lockhart, Texas, calls on state and federal legislators to resolve the conflict between local and state/federal laws related to cannabis regulation;

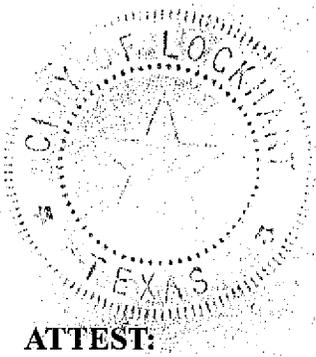
**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS:**

Section 1: That the City of Lockhart, Texas is legally prohibited from adopting and enforcing policies and laws that are in direct and irreconcilable conflict with state and federal law; including laws related to the enforcement and regulation of cannabis.

Section 2: That any provision of the Lockhart Freedom Act that purports to prohibit the full enforcement of laws relating to drug enforcement, including Chapters 481 and 483 of the Health and Safety Code and federal law is preempted by state law and is therefore unenforceable.

Section 3: That the City of Lockhart, Texas calls on state and federal legislators to resolve the conflict between local and state/federal laws related to cannabis regulation.

**DULY RESOLVED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS ON this 3<sup>rd</sup> day of December, 2024.**



**ATTEST:**

*Julie Bowermon*  
**Julie Bowermon**  
**City Secretary**

**CITY OF LOCKHART**

*Lew White*

**Lew White**  
**Mayor**

**APPROVED AS TO FORM:**

*Brad Bullock*

**Brad Bullock**  
**City Attorney**