

By: Pacheco

H.B. No. 1982

A BILL TO BE ENTITLED

AN ACT

relating to the prescription and dispensing of medical cannabis;
requiring an occupational license; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.111, Health and Safety Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) Sections 481.113, 481.116, 481.120, 481.121, and 481.122 do not apply to a person who:

(1) is a pharmacist licensed under Subtitle J, Title 3, Occupations Code, and dispenses medical cannabis at a pharmacy licensed under Chapter 560, Occupations Code, under a valid prescription;

(2) receives medical cannabis dispensed by a pharmacist described by Subdivision (1) under a valid prescription;
or

(3) is licensed by the board under Subchapter J to cultivate, produce, manufacture, or distribute medical cannabis.

(h) For purposes of Subsection (g), "medical cannabis" has the meaning assigned by Section 481.401.

SECTION 2. Chapter 481, Health and Safety Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. MEDICAL CANNABIS PRESCRIPTIONS

Sec. 481.401. DEFINITIONS. In this subchapter:

(1) "Edible cannabis products" means medical cannabis

1 products that:

2 (A) contain medical cannabis and other
3 ingredients; and

4 (B) are intended and safe for human consumption.

5 (2) "Medical cannabis" means the plant Cannabis sativa
6 L. and any part of that plant or any compound, manufacture, salt,
7 derivative, mixture, preparation, resin, or oil of that plant. The
8 term includes medical cannabis concentrate and medical cannabis
9 products.

10 (3) "Medical cannabis concentrate" means the resin
11 extracted from a part of the plant Cannabis sativa L., or a
12 compound, manufacture, salt, derivative, mixture, or preparation
13 of the resin.

14 (4) "Medical cannabis product" means a product that is
15 intended for medical use and that is infused with or contains any
16 part of the plant Cannabis sativa L. or a compound, manufacture,
17 salt, derivative, mixture, preparation, or oil of that plant. The
18 term includes edible cannabis products and other products that
19 contain medical cannabis.

20 Sec. 481.402. NONAPPLICABILITY. This subchapter does not
21 apply to:

22 (1) low-THC cannabis, as defined by Section 169.001,
23 Occupations Code;

24 (2) hemp, as defined by Section 121.001, Agriculture
25 Code; or

26 (3) consumable hemp products, as defined by Section
27 443.001, Health and Safety Code.

1 Sec. 481.403. DISPENSING MEDICAL CANNABIS. Medical
2 cannabis may be dispensed to a patient only by a pharmacist licensed
3 under Subtitle J, Title 3, Occupations Code, at a pharmacy licensed
4 under Chapter 560, Occupations Code, under a valid prescription.

5 Sec. 481.404. LICENSE. A person may not cultivate,
6 produce, manufacture, or distribute medical cannabis without a
7 license issued by the board.

8 Sec. 481.405. RULES. The board may adopt rules to implement
9 this subchapter, including fees for the issuance and renewal of a
10 license issued under Section 481.404.

11 SECTION 3. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense occurred
18 before that date.

19 SECTION 4. This Act takes effect September 1, 2021.