

By: King

H.B. No. 46

A BILL TO BE ENTITLED

AN ACT

relating to the medical use of low-THC cannabis under and the administration of the Texas Compassionate-Use Program.

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

SECTION 1. Section 487.101, Health and Safety Code, is amended to read as follows:

Sec. 487.101. LICENSE REQUIRED. (a) A license issued by the department under this chapter is required to operate a dispensing organization.

(b) A dispensing organization licensed under this chapter is not required to apply for an additional license for the use of a satellite location for secure storage of low-THC cannabis if:

(1) the address of the satellite location was included in the application; or

(2) the dispensing organization obtains approval from the department under Section 487.1035.

SECTION 2. Section 487.103(b), Health and Safety Code, is amended to read as follows:

(b) The application must include:

(1) the name and address of the applicant;

(2) [7] the name and address of each of the applicant's directors, managers, and employees;

(3) the address of any satellite location that will be used by the applicant for secure storage of low-THC cannabis under

1 Section 487.1035;[7] and

2 (4) any other information considered necessary by the
3 department to determine the applicant's eligibility for the
4 license.

5 SECTION 3. Subchapter C, Chapter 487, Health and Safety
6 Code, is amended by adding Section 487.1035 to read as follows:

7 Sec. 487.1035. SATELLITE LOCATIONS. (a) A dispensing
8 organization licensed under this chapter may operate one or more
9 satellite locations in addition to the organization's primary
10 location to securely store low-THC cannabis for distribution.

11 (b) A satellite location must be approved by the department
12 before a dispensing organization may operate the location. A
13 dispensing organization may apply for approval in the form and
14 manner prescribed by the department.

15 (c) The department shall adopt rules regarding the design
16 and security requirements for satellite locations.

17 SECTION 4. Section 487.104, Health and Safety Code, is
18 amended by adding Subsections (d) and (e) to read as follows:

19 (d) The department shall issue 11 licenses under this
20 section to dispensing organizations in this state provided that the
21 department receives applications from a sufficient number of
22 applicants meeting the requirements for approval under this
23 subchapter.

24 (e) The department shall issue and renew licenses under this
25 section in a manner that ensures adequate access to low-THC
26 cannabis for patients registered in the compassionate-use registry
27 in each public health region designated under Section 121.007.

SECTION 5. Subchapter C, Chapter 487, Health and Safety Code, is amended by adding Section 487.1045 to read as follows:

Sec. 487.1045. REQUIREMENT OF LICENSE HOLDER TO BEGIN AND MAINTAIN OPERATIONS. (a) An applicant issued a license to operate a dispensing organization must begin dispensing low-THC cannabis not later than 24 months after the date the license is issued and continue dispensing low-THC cannabis during the term of a license issued under this subchapter.

(b) The department shall adopt rules to:

(1) monitor whether a dispensing organization is using a license issued under this subchapter to dispense low-THC cannabis; and

(2) revoke the license of a dispensing organization that does not dispense low-THC cannabis within the time required by this section or that discontinues dispensing low-THC cannabis during the term of a license.

SECTION 6. Section 487.107, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A dispensing organization may not dispense to a person low-THC cannabis in a package or container that contains more than a total of 1.2 grams of tetrahydrocannabinols.

SECTION 7. Section 487.201, Health and Safety Code, is amended to read as follows:

Sec. 487.201. COUNTIES AND MUNICIPALITIES MAY NOT PROHIBIT LOW-THC CANNABIS. A municipality, county, or other political subdivision may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the

1 cultivation, production, storage, dispensing, or possession of
2 low-THC cannabis, as authorized by this chapter.

3 SECTION 8. Sections 169.001(3), (4), and (5), Occupations
4 Code, are amended to read as follows:

5 (3) "Low-THC 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 that
8 contains not more than 20 milligrams [~~one percent by weight~~] of
9 tetrahydrocannabinols in each dosage unit.

10 (4) "Medical use" means the ingestion, absorption, or
11 insertion by a means of administration other than by smoking of a
12 prescribed amount of low-THC cannabis by a person for whom low-THC
13 cannabis is prescribed under this chapter.

14 (5) "Smoking" means burning or igniting a substance
15 and inhaling the smoke. The term does not include inhaling a
16 medication or other substance that is otherwise aerosolized or
17 vaporized for administration by pulmonary inhalation.

18 SECTION 9. Section 169.003, Occupations Code, is amended to
19 read as follows:

20 Sec. 169.003. PRESCRIPTION OF LOW-THC CANNABIS. (a) A
21 physician described by Section 169.002 may prescribe low-THC
22 cannabis to a patient if:

23 (1) the patient is a permanent resident of the state;
24 (2) the physician complies with the registration
25 requirements of Section 169.004; and

26 (3) the physician certifies to the department that:

27 (A) the patient is diagnosed with:

- 1 (i) epilepsy;
2 (ii) a seizure disorder;
3 (iii) multiple sclerosis;
4 (iv) spasticity;
5 (v) amyotrophic lateral sclerosis;
6 (vi) autism;
7 (vii) cancer;
8 (viii) an incurable neurodegenerative
9 disease;
10 (ix) post-traumatic stress disorder; or
11 (x) a medical condition that is approved
12 for a research program under Subchapter F, Chapter 487, Health and
13 Safety Code, and for which the patient is receiving treatment under
14 that program; and

15 (B) the physician determines the risk of the
16 medical use of low-THC cannabis by the patient is reasonable in
17 light of the potential benefit for the patient.

18 (b) Each prescription issued by a physician to a patient for
19 low-THC cannabis may only provide for a 90-day supply of low-THC
20 cannabis based on the dosage prescribed to the patient.

21 SECTION 10. Chapter 169, Occupations Code, is amended by
22 adding Section 169.006 to read as follows:

23 Sec. 169.006. ADMINISTRATION OF LOW-THC CANNABIS BY
24 PULMONARY INHALATION. (a) A physician may prescribe pulmonary
25 inhalation of an aerosol or vapor as a means of administration of
26 low-THC cannabis if the physician determines that based on the
27 patient's condition there is a medical necessity for that means of

1 administration.

2 (b) The executive commissioner of the Health and Human
3 Services Commission shall adopt rules related to medical devices
4 for pulmonary inhalation of low-THC cannabis.

5 SECTION 11. Not later than October 1, 2025:

6 (1) the Department of Public Safety shall adopt the
7 rules necessary to implement Sections 487.1035 and 487.1045, Health
8 and Safety Code, as added by this Act; and

9 (2) the executive commissioner of the Health and Human
10 Services Commission shall adopt the rules necessary to implement
11 Section 169.006, Occupations Code, as added by this Act.

12 SECTION 12. This Act takes effect September 1, 2025.