

By: Naishtat

H.B. No. 658

A BILL TO BE ENTITLED

AN ACT

relating to the medical use of marihuana.

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

SECTION 1. Section 481.121, Health and Safety Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) It is an affirmative defense to prosecution under Subsection (a) that the person possessed the marihuana as a patient of a practitioner licensed to practice medicine in this state pursuant to the recommendation of that practitioner for the amelioration of the symptoms or effects of a bona fide medical condition.

(d) An agency, including a law enforcement agency, of this state or a political subdivision of this state may not initiate an administrative, civil, or criminal investigation into a practitioner licensed to practice medicine in this state on the ground that the practitioner discussed marihuana as a treatment option with a patient of the practitioner.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after September 1, 2005.

(b) An offense committed before September 1, 2005, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2005, if any element of the offense was committed before that date.

1 SECTION 3. This Act takes effect September 1, 2005.