

By: Menéndez

S.B. No. 1839

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing the possession, use, cultivation,
3 distribution, transportation, and delivery of cannabis for medical
4 purposes; authorizing fees.

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

6 SECTION 1. Subtitle C, Title 6, Health and Safety Code, is
7 amended by adding Chapter 488 to read as follows:

8 CHAPTER 488. USE OF CANNABIS FOR MEDICAL PURPOSES

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 488.001. DEFINITIONS. In this chapter:

11 (1) "Allowable amount of cannabis" means:

12 (A) 2.5 ounces of cannabis;

13 (B) the quantity of edible cannabis products and
14 cannabis-infused products as established by department rule;

15 (C) not more than six cannabis plants contained
16 in a secure space at the cardholder's private residence, except the
17 plants are not required to be in a secure space if the plants are
18 being transported or delivered to a medical cannabis establishment;
19 and

20 (D) cannabis, edible cannabis products, or any
21 cannabis-infused products produced from allowable plants that are
22 on the premises where the plants were grown.

23 (2) "Bona fide practitioner-patient relationship"
24 means a relationship in which a treatment or consulting

1 relationship between a practitioner and patient exists, during the
2 course of which:

3 (A) the practitioner has completed an assessment
4 of the patient's medical history and current medical condition,
5 including an appropriate in-person physical examination;

6 (B) the practitioner has consulted with the
7 patient with respect to the patient's debilitating medical
8 condition; and

9 (C) the practitioner is available or offers to
10 provide follow-up care and treatment to the patient, including
11 patient examinations.

12 (3) "Cannabis-infused product" means a product that is
13 infused with cannabis or an extract of cannabis and is intended for
14 use or consumption by humans through means other than inhalation or
15 oral ingestion, including a topical product, ointment, oil, or
16 tincture.

17 (4) "Cannabis paraphernalia" means equipment, a
18 product, or material used or intended for use in the planting,
19 propagating, cultivating, growing, harvesting, manufacturing,
20 compounding, converting, producing, processing, preparing,
21 testing, analyzing, packaging, repackaging, storing, containing,
22 or concealing of cannabis, or the ingesting or inhaling of
23 cannabis, or other means of introducing cannabis into the human
24 body.

25 (5) "Cannabis product manufacturing facility" means a
26 business that:

27 (A) is registered with the department under this

1 chapter; and

2 (B) acquires, possesses, manufactures, delivers,
3 transfers, transports, supplies, or sells edible cannabis products
4 or cannabis-infused products to medical cannabis dispensaries.

5 (6) "Cannabis testing facility" or "testing facility"
6 means an independent entity registered to analyze the safety and
7 potency of cannabis.

8 (7) "Cardholder" means a qualifying patient or a
9 designated caregiver who has been issued a valid registry
10 identification card.

11 (8) "Cultivation facility" means a business that:

12 (A) is registered with the department under this
13 chapter; and

14 (B) acquires, possesses, cultivates, delivers,
15 transfers, transports, supplies, or sells cannabis and related
16 supplies to medical cannabis establishments.

17 (9) "Debilitating medical condition" means:

18 (A) cancer, glaucoma, acquired immune deficiency
19 syndrome, infection with human immunodeficiency virus, Crohn's
20 disease, ulcerative colitis, agitation of Alzheimer's disease, or
21 post-traumatic stress disorder;

22 (B) a chronic medical condition that produces, or
23 the treatment of a chronic medical condition that produces:

24 (i) cachexia or wasting syndrome;

25 (ii) severe pain;

26 (iii) severe nausea;

27 (iv) seizures, including those

1 characteristic of epilepsy; or

2 (v) severe and persistent muscle spasms,
3 including those characteristic of multiple sclerosis; or

4 (C) any other medical condition or symptoms
5 caused by the treatment of a medical condition approved as a
6 debilitating medical condition by department rule.

7 (10) "Department" means the Department of State Health
8 Services.

9 (11) "Designated caregiver" means an individual who:

10 (A) is at least 21 years of age;

11 (B) has significant responsibility for managing
12 the well-being of a person diagnosed with a debilitating medical
13 condition;

14 (C) is designated as a caregiver under this
15 chapter; and

16 (D) assists no more than five registered
17 qualifying patients.

18 (12) "Edible cannabis product" means a product that:

19 (A) contains cannabis or an extract of cannabis;

20 (B) is intended for human consumption by oral
21 ingestion; and

22 (C) is presented in the form of a foodstuff,
23 extract, oil, tincture, or similar product.

24 (13) "Executive commissioner" means the executive
25 commissioner of the Health and Human Services Commission.

26 (14) "Medical cannabis" or "cannabis" means the plant
27 Cannabis sativa L., whether growing or not, the seeds of that plant,

1 and every compound, manufacture, salt, derivative, mixture, or
2 any preparation of that plant or its seeds, including preparations
3 containing organic delta-9 tetrahydrocannabinol (THC), organic
4 cannabidiol (CBD), or organic resin extracted from the plant or its
5 seeds, or a compound, manufacture, salt, derivative, mixture, or
6 preparation of the resin. The term does not include:

7 (A) the mature stalks of the plant or fiber
8 produced from the stalks;

9 (B) oil or cake made from the seeds of the plant;

10 (C) a compound, manufacture, salt, derivative,
11 mixture, or preparation of the mature stalks, fiber, oil, or cake;
12 or

13 (D) the sterilized seeds of the plant that are
14 incapable of beginning germination.

15 (15) "Medical cannabis dispensary" or "dispensary"
16 means a business that:

17 (A) is registered with the department under this
18 chapter; and

19 (B) acquires, possesses, delivers, transfers,
20 transports, supplies, sells, or dispenses cannabis, cannabis
21 products, cannabis-infused products, cannabis paraphernalia, or
22 related supplies and educational materials to cardholders and
23 nonresident cardholders.

24 (16) "Medical cannabis establishment" means a
25 cannabis cultivation facility, a cannabis testing facility, a
26 cannabis product manufacturing facility, or a dispensary.

27 (17) "Medical cannabis establishment agent" means an

1 owner, officer, board member, employee, volunteer, contractor,
2 property owner, or landlord of a medical cannabis establishment.

3 (18) "Medical use" includes the acquisition,
4 administration, cultivation, delivery, growing, harvesting,
5 manufacture, planting, possession, preparation, propagation,
6 transfer, transportation, or use of cannabis or cannabis
7 paraphernalia. The term does not include planting, propagating,
8 cultivating, growing, manufacturing, or harvesting cannabis by a
9 nonresident cardholder.

10 (19) "Nonresident card" means a card or other
11 documentation that is issued by a state other than this state
12 authorizing the holder or bearer to possess and use medical
13 cannabis.

14 (20) "Nonresident cardholder" means a person who:

15 (A) has been diagnosed with a debilitating
16 medical condition or is the parent, guardian, conservator, or other
17 person with authority to consent to the medical treatment of a
18 person diagnosed with a debilitating medical condition;

19 (B) is not a resident of this state or who has
20 been a resident of this state for less than 45 days;

21 (C) was issued a currently valid registry
22 identification card or its equivalent by a state, district, or
23 jurisdiction other than this state; and

24 (D) has been issued a nonresident eligibility
25 confirmation letter under this chapter.

26 (21) "Practitioner" means a person who is authorized
27 to prescribe pharmaceutical medications to humans in this state.

1 (22) "Qualifying patient" means a person who has been
2 diagnosed by a practitioner as having a debilitating medical
3 condition.

4 (23) "Registry identification card" means a document
5 issued by the department, or the functional equivalent of a
6 document issued under this chapter, that identifies a person as a
7 registered qualifying patient or registered designated caregiver.

8 (24) "Secure space" means a closet, display case,
9 room, greenhouse, or other area equipped with locks or other
10 security devices intended to limit access to those spaces only to
11 medical cannabis establishment agents or cardholders.

12 (25) "Written certification" means a document dated
13 and signed by a practitioner stating that, in the practitioner's
14 professional opinion, the patient is likely to receive therapeutic
15 or palliative benefit from the medical use of cannabis to treat or
16 alleviate the patient's debilitating medical condition or symptoms
17 associated with the debilitating medical condition. A written
18 certification must:

19 (A) affirm that it is made in the course of a bona
20 fide practitioner-patient relationship; and

21 (B) specify the qualifying patient's
22 debilitating medical condition.

23 Sec. 488.002. PETITION TO ADD DEBILITATING MEDICAL
24 CONDITION. (a) A person may submit to the department a petition to
25 add a medical condition to the definition of "debilitating medical
26 condition" provided by Section 488.001(9).

27 (b) The department shall hold a public evidentiary hearing

1 on the petition and shall approve or deny the petition not later
2 than the 181st day after the date the petition is submitted.

3 SUBCHAPTER B. REGISTRATION AND REGULATION OF QUALIFYING PATIENTS,
4 DESIGNATED CAREGIVERS, AND MEDICAL CANNABIS ESTABLISHMENTS

5 Sec. 488.051. RULES FOR MEDICAL CANNABIS REGULATION. (a)

6 The executive commissioner shall adopt rules as necessary or proper
7 to carry out the purposes and intent of this chapter and to enable
8 the department to exercise the powers and perform the duties
9 conferred on the department by this chapter, including:

10 (1) the establishment and maintenance of a
11 confidential registry of qualifying patients who have applied for
12 and are entitled to receive a registry identification card;

13 (2) the verification of a certification concerning a
14 person who has applied for a registry identification card;

15 (3) the issuance and form of a registry identification
16 card;

17 (4) the determination of the manner of adding medical
18 conditions to the list of debilitating medical conditions,
19 including by petition as provided by Section 488.002;

20 (5) the form and any additional required content of a
21 registration application and a renewal application submitted under
22 this chapter;

23 (6) the form and any additional required content of an
24 affidavit to be used by nonresident cardholders under this chapter;

25 (7) fees for medical cannabis establishments,
26 cardholders, and nonresident cardholders;

27 (8) the safe and responsible operation of medical

1 cannabis establishments, including:

2 (A) the manner of protecting against diversion
3 and theft without compromising the confidentiality of cardholders
4 and nonresident cardholders or imposing an undue burden on medical
5 cannabis establishments;

6 (B) requirements for the oversight of medical
7 cannabis establishments;

8 (C) requirements for the keeping of records by
9 medical cannabis establishments;

10 (D) rules for random sample testing to ensure
11 that cannabis, cannabis products, and cannabis-infused products
12 available to cardholders and nonresident cardholders are
13 accurately labeled for content and potency, in accordance with
14 standards established by department rule, for the preservation of
15 the health and safety of registered qualifying patients;

16 (E) rules under which the department shall notify
17 a medical cannabis dispensary if a qualifying patient who holds a
18 valid registry identification card has chosen the dispensary as the
19 patient's designated medical cannabis dispensary;

20 (F) certification standards for cannabis testing
21 facilities that will test cannabis, cannabis products, and
22 cannabis-infused products that are available to cardholders in this
23 state; and

24 (G) standards for the certification of testing
25 facilities; and

26 (9) the quantity of edible cannabis products and
27 cannabis-infused products not produced from allowable plants that

1 cardholders and nonresident cardholders may possess.

2 (b) The department shall approve or deny qualifying patient
3 registration applications or qualifying patient renewal
4 applications under this chapter.

5 (c) The department may deny any registration issued under
6 this chapter if the department determines that the applicant fails
7 to meet the minimum criteria established by this chapter.

8 (d) The department may take any action with respect to a
9 registration application in the manner provided by this chapter.

10 (e) The department shall develop and publish any forms,
11 identification certificates, and applications that are necessary
12 or convenient for the administration of this chapter or any of the
13 rules adopted under this chapter.

14 Sec. 488.052. FEES. (a) Except as otherwise provided by
15 Subsection (b), the department shall collect a fee of:

16 (1) not more than \$20,000 for the initial issuance of a
17 medical cannabis establishment registration certificate for a
18 medical cannabis dispensary;

19 (2) not more than \$10,000 for the renewal of a medical
20 cannabis establishment registration certificate for a medical
21 cannabis dispensary;

22 (3) not more than \$3,000 for the initial issuance of a
23 medical cannabis establishment registration certificate for a
24 cultivation facility;

25 (4) not more than \$1,000 for the renewal of a medical
26 cannabis establishment registration certificate for a cultivation
27 facility;

1 (5) not more than \$3,000 for the initial issuance of a
2 medical cannabis establishment registration certificate for a
3 facility for the production of edible cannabis products or
4 cannabis-infused products;

5 (6) not more than \$2,000 for the renewal of a medical
6 cannabis establishment registration certificate for a facility for
7 the production of edible cannabis products or cannabis-infused
8 products;

9 (7) not more than \$5,000 for the initial issuance of a
10 medical cannabis establishment registration certificate for an
11 independent testing facility;

12 (8) not more than \$3,000 for the renewal of a medical
13 cannabis establishment registration certificate for an independent
14 testing facility;

15 (9) not more than \$50 for each registry identification
16 card or renewal registry identification card; and

17 (10) an amount not to exceed the reasonable costs to
18 the department for the issuance and processing of the prescribed
19 affidavit of a nonresident cardholder.

20 (b) In addition to the fees described by Subsection (a),
21 each applicant for a medical cannabis establishment registration
22 certificate must pay to the department a one-time, nonrefundable
23 application fee of \$2,000.

24 (c) The department shall deposit fees collected under this
25 section to the credit of a fund in the general revenue fund, to be
26 appropriated by the legislature only to the department for the
27 purposes of administering this chapter, and to the extent that

1 excess funds exist, for research into the safety and efficacy of
2 medical cannabis for medical conditions, with a preference being
3 given for conditions that are not designated by definition or rule
4 as debilitating medical conditions under this chapter.

5 Sec. 488.053. CONFIDENTIALITY OF QUALIFYING PATIENT
6 INFORMATION. (a) Except as provided by Subsection (c) or as
7 otherwise authorized under this chapter, the department shall
8 maintain the confidentiality of and may not disclose:

9 (1) the contents of any applications, records, or
10 other written documentation that the department creates or receives
11 under this chapter; or

12 (2) the name or any other identifying information of:
13 (A) a certifying practitioner; or
14 (B) a person who has applied for or to whom the
15 department has issued a registry identification card or nonresident
16 confirmation letter.

17 (b) Except as provided by Subsection (c), the information
18 described by Subsection (a) is confidential under Section 552.101,
19 Government Code, and is not subject to disclosure under Chapter
20 552, Government Code.

21 (c) The department may release the name and other
22 identifying information of a person to whom the department has
23 issued a registry identification card or a nonresident confirmation
24 letter to:

25 (1) authorized employees of the department, only as
26 necessary to perform official duties of the department related to
27 this chapter;

1 (2) authorized employees of state and local law
2 enforcement agencies, only as necessary to verify that a person who
3 has been discovered in possession of cannabis or cannabis
4 paraphernalia is the lawful holder of a registry identification
5 card or nonresident confirmation letter issued under this chapter;
6 and

7 (3) medical cannabis dispensary agents, only as
8 necessary to verify that a person is the lawful holder of a registry
9 identification card or nonresident confirmation letter issued
10 under this chapter and that the dispensary has been designated by
11 the cardholder or nonresident cardholder.

12 Sec. 488.054. APPLICATION BY QUALIFYING PATIENT. (a) The
13 department shall develop an application form and make that form
14 available to a qualifying patient.

15 (b) The applicant must submit:

16 (1) a written certification issued by a practitioner
17 not more than 90 days before the date the application is submitted;

18 (2) the application fee;

19 (3) the name, address, and date of birth of the
20 qualifying patient, except that if the applicant is homeless, no
21 address is required;

22 (4) the name, address, and telephone number of the
23 qualifying patient's practitioner; and

24 (5) the name of not more than two dispensaries that the
25 qualifying patient initially designates, if any.

26 Sec. 488.055. DESIGNATION OF CAREGIVER. (a) The department
27 shall develop a form for a qualifying patient to designate a

1 caregiver.

2 (b) The form must require the qualifying patient to provide
3 the designated caregiver's full name, home address, and date of
4 birth.

5 (c) A qualifying patient may designate only one caregiver,
6 unless the qualifying patient submits documentation satisfactory
7 to the department showing that a greater number of designated
8 caregivers are required due to the qualifying patient's age or
9 disability.

10 (d) The executive commissioner shall adopt rules for a
11 qualifying patient who is a cardholder to change the patient's
12 designated caregiver or caregivers.

13 Sec. 488.056. REGISTRATION OF NONRESIDENT CARDHOLDERS. (a)
14 The state and the medical cannabis dispensaries designated by a
15 nonresident cardholder may recognize a nonresident card only if:

16 (1) the state or jurisdiction from which the holder or
17 bearer obtained the nonresident card grants an exemption from
18 criminal prosecution for the medical use of cannabis;

19 (2) the state or jurisdiction from which the holder or
20 bearer obtained the nonresident card requires, as a prerequisite to
21 the issuance of the card, that a practitioner advise the person that
22 the medical use of cannabis may mitigate the symptoms or effects of
23 the person's medical condition;

24 (3) the nonresident card has an expiration date that
25 has not yet occurred; and

26 (4) the person to whom the nonresident card was issued
27 signs an affidavit in a form prescribed by the department that:

1 (A) affirms that the holder or bearer is entitled
2 to engage in the medical use of cannabis in the holder's or bearer's
3 state or jurisdiction of residence;

4 (B) acknowledges the holder or bearer qualifies
5 for the medical use of cannabis in that state or jurisdiction; and

6 (C) states that the person agrees to abide by all
7 applicable requirements related to the medical use of cannabis in
8 this chapter, including the legal limits on the possession of
9 cannabis for medical purposes for a nonresident cardholder in this
10 state.

11 (b) While in this state, the holder or bearer of a
12 nonresident card may not possess cannabis for medical purposes in
13 excess of the allowable amount of cannabis, regardless of the
14 amount of medical cannabis that the holder or bearer is entitled to
15 possess in the holder's or bearer's state or jurisdiction of
16 residence.

17 (c) The department shall develop the affidavit described by
18 Subsection (a)(4) and make the affidavit available to holders or
19 bearers of nonresident cards.

20 (d) The holder or bearer of a nonresident card must submit
21 to the department:

22 (1) a signed and notarized copy of the affidavit
23 described by Subsection (a)(4);

24 (2) a copy of the holder's or bearer's identification
25 card or other documentation from the holder's or bearer's state or
26 jurisdiction of residence;

27 (3) the application fee;

1 (4) the name, address, and date of birth of the
2 prospective nonresident cardholder, except that if the applicant is
3 homeless, no address is required;

4 (5) the name, address, and telephone number of the
5 administrative agency, department, or commission with regulatory
6 authority over patients authorized to use medical cannabis in the
7 holder's or bearer's state or jurisdiction; and

8 (6) the name of not more than two designated
9 dispensaries.

10 (e) The department shall accept the affidavit if the holder
11 or bearer of a nonresident card submits the affidavit and meets all
12 the eligibility requirements and mail or electronically transmit a
13 confirmation letter to the mailing address or electronic mail
14 address designated by the applicant not later than the fifth
15 calendar day after the date the affidavit and application are
16 received. The confirmation shall contain:

17 (1) a unique, randomly assigned number identifying the
18 nonresident cardholder;

19 (2) the name of the dispensary or dispensaries
20 designated by the nonresident cardholder; and

21 (3) a statement to state and local law enforcement
22 agencies indicating that the department recognizes the validity of
23 the nonresident cardholder's status as a qualifying patient.

24 (f) The department shall administer the nonresident
25 eligibility rules in good faith so that any nonresident applicant
26 who meets all the eligibility requirements and submits the
27 affidavit shall promptly receive a confirmation letter. The

1 department may not deny an application on the basis of a capricious
2 or arbitrary decision by the department.

3 (g) A nonresident cardholder may engage in the medical use
4 of cannabis under state law until the earlier of:

5 (1) the date the nonresident card from the issuing
6 state or jurisdiction expires; or

7 (2) the 46th day after the date the nonresident
8 cardholder becomes a resident of this state.

9 (h) If the department fails to mail or electronically
10 transmit a confirmation letter within the period prescribed by
11 Subsection (e), a copy of the affidavit is considered the
12 functional equivalent of the confirmation letter.

13 (i) The executive commissioner shall adopt rules as
14 necessary to implement this section.

15 Sec. 488.057. CONFIDENTIAL REGISTRY. The department shall
16 establish and maintain a confidential registry of cardholders and
17 nonresident cardholders.

18 Sec. 488.058. USE OF MEDICAL CANNABIS AND REGISTRATION BY
19 QUALIFYING PATIENTS YOUNGER THAN 18 YEARS OF AGE. (a) A qualifying
20 patient who is younger than 18 years of age may be issued a registry
21 identification card only if the qualifying patient's parent,
22 guardian, conservator, or other person with authority to consent to
23 the qualifying patient's medical treatment has:

24 (1) given written consent; and

25 (2) agreed to be a designated caregiver for the
26 qualifying patient.

27 (b) A parent, guardian, conservator, or other person with

1 authority to consent to the qualifying patient's medical treatment
2 shall submit the registry application on behalf of the qualifying
3 patient.

4 Sec. 488.059. APPROVAL OR DENIAL OF REGISTRATION AND
5 RENEWAL. (a) The department shall approve a new or renewal
6 registry application and issue a registry identification card to an
7 applicant if the applicant meets all the eligibility requirements
8 and submits all the application materials. The department shall
9 administer the registration rules in good faith so that any
10 applicant who meets all the eligibility requirements and submits
11 all the application materials receives a registry identification
12 card. The department may not deny an application on the basis of a
13 capricious or arbitrary decision by the department.

14 (b) The department shall, not later than the 35th calendar
15 day after the date the department receives the completed
16 application materials:

17 (1) approve the application, add the applicant to the
18 confidential registry, and issue to the applicant a registry
19 identification card; or

20 (2) deny the application and notify the applicant in
21 writing of the denial, the grounds on which the application was
22 denied, and the applicant's entitlement to a hearing.

23 (c) If the department fails to issue or renew a registry
24 identification card or deny a registration within the period
25 described by Subsection (b), the application is considered approved
26 and a copy of the application and written certification is the
27 functional equivalent of a registry identification card.

1 Sec. 488.060. FORM OF REGISTRY IDENTIFICATION CARD;
2 EXPIRATION. (a) A registry identification card must contain a
3 unique identification number.

4 (b) Except as otherwise provided by Subsection (c) or (d), a
5 registry identification card is valid for one year.

6 (c) If the practitioner states in the written certification
7 that the qualifying patient would benefit from the medical use of
8 cannabis for a specified period of less than one year, the registry
9 identification card expires on the last day of the specified
10 period.

11 (d) If the registered qualifying patient's certifying
12 practitioner notifies the department in writing that either the
13 registered qualifying patient has ceased to suffer from a
14 debilitating medical condition or that the practitioner no longer
15 believes the registered qualifying patient would receive
16 therapeutic or palliative benefit from the medical use of cannabis,
17 the department shall revoke the card. The department must provide
18 sufficient notice to the cardholder of this change in status. The
19 cardholder not later than the 15th day after the date of the
20 notification shall:

21 (1) dispose of the cardholder's cannabis, as permitted
22 under Section 488.103(4) or 488.155(d); or

23 (2) appeal the card's revocation.

24 Sec. 488.061. RENEWAL. (a) It is the responsibility of a
25 cardholder to apply to renew a registry identification card before
26 the date on which the card expires.

27 (b) The department shall develop a form for a cardholder to

1 use in renewing a registry identification card.

2 (c) On renewal of a nonresident cardholder's nonresident
3 card, the nonresident cardholder may apply for a renewal of the
4 nonresident's confirmation letter. The department shall develop a
5 form for a nonresident renewal under this subsection.

6 Sec. 488.062. REVOCATION OF REGISTRY IDENTIFICATION CARD OR
7 CONFIRMATION LETTER. (a) Subject to Subsection (b), the
8 department may revoke a registry identification card or a
9 confirmation letter for a nonresident cardholder if the department
10 determines that:

11 (1) the practitioner who diagnosed the registered
12 qualifying patient's debilitating medical condition, the
13 cardholder, or the nonresident cardholder violated this chapter or
14 rules adopted under this chapter; or

15 (2) the cardholder or nonresident cardholder no longer
16 qualifies for registration.

17 (b) When a practitioner's violation is the basis for adverse
18 action, the department may not revoke the registered qualifying
19 patient's registry identification card unless the practitioner's
20 violation is related to the issuance of a written certification to
21 that patient.

22 (c) The department must provide sufficient notice to the
23 cardholder or nonresident cardholder of a change in status of a
24 practitioner not later than the 36th calendar day after the date of
25 the determination.

26 Sec. 488.063. ADVERSE DETERMINATION; HEARING. (a) If the
27 department denies the issuance or renewal of or revokes a registry

1 identification card, nonresident cardholder confirmation letter,
2 or medical cannabis establishment registration certificate, the
3 registrant or applicant is entitled to a hearing. The department
4 shall give written notice of the grounds for denial or revocation to
5 the registrant not later than the 31st day before the date of the
6 hearing.

7 (b) The executive commissioner shall establish rules
8 consistent with the requirements of Section 2001.176, Government
9 Code, for the appeal by an aggrieved party of any final decision of
10 the department. The decision of the department to deny an
11 application for a new or renewal registry identification card,
12 nonresident cardholder confirmation letter, or medical cannabis
13 establishment registration certificate is a final decision for the
14 purposes of judicial review.

15 SUBCHAPTER C. CULTIVATION, POSSESSION, AND TRANSPORTATION OF
16 MEDICAL CANNABIS

17 Sec. 488.101. LIMITED CULTIVATION AND POSSESSION FOR
18 REGISTERED QUALIFYING PATIENTS. (a) Notwithstanding any other
19 law, a registered qualifying patient who possesses a valid registry
20 identification card is not subject to arrest, prosecution, or
21 penalty in any manner, or denial of any right or privilege,
22 including any civil penalty or disciplinary action by a court or
23 occupational or professional licensing board or bureau, for
24 engaging in the medical use of cannabis under this chapter,
25 provided that the registered qualifying patient does not possess
26 more than the allowable amount of cannabis or an amount of cannabis
27 allowed the patient in accordance with Subsection (b), if

1 applicable.

2 (b) A registered qualifying patient may engage in the
3 medical use of cannabis in amounts greater than the allowable
4 amount of cannabis if the qualifying patient obtains written
5 documentation from the qualifying patient's practitioner stating
6 that greater amounts are necessary based on the qualifying
7 patient's debilitating medical condition.

8 Sec. 488.102. LIMITED CULTIVATION AND POSSESSION OF MEDICAL
9 CANNABIS BY DESIGNATED CAREGIVER. Notwithstanding any other law, a
10 designated caregiver who possesses a valid registry identification
11 card is not subject to arrest, prosecution, or penalty in any
12 manner, or denial of any right or privilege, including any civil
13 penalty or disciplinary action by a court or occupational or
14 professional licensing board or bureau for:

15 (1) assisting a registered qualifying patient with the
16 medical use of cannabis under this chapter, provided that the
17 designated caregiver does not possess more than the allowable
18 amount of cannabis or an amount of cannabis allowed the patient in
19 accordance with Section 488.101(b), if applicable; and

20 (2) receiving compensation from the designated
21 caregiver's registered qualifying patient for direct costs
22 incurred by the designated caregiver for assisting with the
23 registered qualifying patient's medical use of cannabis.

24 Sec. 488.103. ADDITIONAL PROTECTIONS FOR REGISTERED
25 QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS. Notwithstanding
26 any other law, a cardholder who has been issued a valid registry
27 identification card is not subject to arrest, prosecution, or

1 penalty in any manner, or denial of any right or privilege,
2 including any civil penalty or disciplinary action by a court or
3 occupational or professional licensing board or bureau for:

4 (1) transferring cannabis to a cannabis testing
5 facility for testing;

6 (2) compensating a dispensary or a testing facility
7 for goods or services provided;

8 (3) selling, transferring, or delivering cannabis,
9 including seeds, produced by the cardholder to a cultivation
10 facility under this chapter; or

11 (4) offering or providing cannabis to another
12 cardholder or nonresident cardholder, or to a dispensary if nothing
13 of value is transferred in return and the cardholder giving the
14 cannabis does not knowingly cause the recipient to possess more
15 than the allowable amount of cannabis, or an amount of cannabis
16 allowed the recipient in accordance with Section 488.101(b), if
17 applicable.

18 Sec. 488.104. PROTECTIONS FOR NONRESIDENT CARDHOLDER.

19 Notwithstanding any other law, a nonresident cardholder is not
20 subject to arrest, prosecution, or penalty in any manner, or denial
21 of any right or privilege, including any civil penalty or
22 disciplinary action by a court or occupational or professional
23 licensing board or bureau, for engaging in the medical use of
24 cannabis under this chapter, provided that the nonresident
25 cardholder does not possess more than the allowable amount of
26 cannabis or more than the quantity of edible cannabis products or
27 cannabis-infused products as established by department rule.

1 Sec. 488.105. ADDITIONAL MEDICAL CANNABIS PROTECTIONS.

2 Notwithstanding any other law, a person may not be subject to
3 arrest, prosecution, or penalty in any manner, or denied any right
4 or privilege, including any civil penalty or disciplinary action by
5 a court or occupational or professional licensing board or bureau,
6 for:

7 (1) providing or selling cannabis paraphernalia to a
8 cardholder, a nonresident cardholder, or a medical cannabis
9 establishment on presentation of a valid registry identification
10 card, its equivalent, or a registration certificate;

11 (2) being in the presence or vicinity of the medical
12 use of cannabis as defined under this chapter; or

13 (3) assisting a registered qualifying patient with the
14 act of using or administering medical cannabis.

15 Sec. 488.106. PROTECTIONS FOR MEDICAL CANNABIS
16 ESTABLISHMENTS AND MEDICAL CANNABIS ESTABLISHMENT AGENTS.

17 Notwithstanding any other law, a medical cannabis establishment or
18 a medical cannabis establishment agent who engages in conduct in
19 compliance with all applicable requirements related to medical
20 cannabis in which the establishment or agent is registered to
21 engage is not subject to:

22 (1) search or inspection except by the department
23 under this chapter;

24 (2) seizure, or penalty in any manner;

25 (3) denial of any right or privilege, including a
26 civil penalty or disciplinary action by a court or business
27 licensing board or entity; or

1 (4) criminal prosecution for engaging in conduct
2 authorized by this chapter.

3 Sec. 488.107. PROTECTIONS FOR PROPERTY ASSOCIATED WITH
4 MEDICAL USE OF CANNABIS. (a) Except as provided by Subsection (c),
5 property that is seized by a peace officer or law enforcement agency
6 in connection with the prosecution of an offense involving the
7 manufacture, cultivation, distribution, delivery, possession, or
8 use of cannabis by a cardholder or nonresident cardholder is not
9 considered contraband and is not subject to forfeiture under
10 Chapter 59, Code of Criminal Procedure.

11 (b) Property described by Subsection (a) may not be harmed,
12 neglected, injured, or destroyed while in the possession of a peace
13 officer or law enforcement agency.

14 (c) If a property owner is convicted of or placed on
15 deferred adjudication community supervision for an offense in
16 connection with property described by Subsection (a), that property
17 is contraband subject to forfeiture under Chapter 59, Code of
18 Criminal Procedure.

19 (d) A law enforcement agency shall return property
20 described by Subsection (a) to the property owner if:

21 (1) the property owner is acquitted of the offense
22 charged;

23 (2) the charges against the property owner are
24 dismissed or quashed;

25 (3) the statute of limitations for bringing charges
26 against the property owner has expired; or

27 (4) the attorney representing the state certifies that

1 the attorney declines to prosecute the property owner for an
2 offense connected to the property.

3 SUBCHAPTER D. MEDICAL CANNABIS ESTABLISHMENTS

4 Sec. 488.151. APPLICATION FOR REGISTRATION. (a) A medical
5 cannabis establishment must register with the department.

6 (b) A person may not operate a medical cannabis
7 establishment without approval from the department. An applicant
8 must seek department approval by submitting an application to the
9 department on the form prescribed by the department. An applicant
10 must submit a separate application and receive approval for each
11 single type of a medical cannabis establishment.

12 (c) Except as otherwise provided by this subchapter, not
13 later than the 91st day after the date the department receives an
14 application to operate a medical cannabis establishment, the
15 department shall register the medical cannabis establishment and
16 issue a medical cannabis establishment registration certificate
17 and a random alphanumeric identification number, provided that:

18 (1) the person who wishes to operate the proposed
19 medical cannabis establishment has submitted to the department:

20 (A) the application fee; and

21 (B) an application, which must include:

22 (i) the legal name of the proposed medical
23 cannabis establishment and the physical address of any co-owned
24 additional or otherwise associated medical cannabis
25 establishments;

26 (ii) the physical address where the
27 proposed medical cannabis establishment will be located, which may

1 not be within 1,000 feet of a public or private school that provides
2 formal education traditionally associated with preschool or
3 kindergarten through grade 12 and that existed on the date on which
4 the application for the proposed medical cannabis establishment was
5 submitted to the department;

6 (iii) evidence that the applicant controls
7 not less than \$50,000 in liquid assets to cover the initial expenses
8 of opening the proposed medical cannabis establishment and other
9 expenses in compliance with the provisions of this chapter and
10 department rules;

11 (iv) evidence that the applicant owns the
12 property on which the proposed medical cannabis establishment will
13 be located or has the written permission of the property owner to
14 operate the proposed medical cannabis establishment on that
15 property;

16 (v) the name, address, and date of birth of
17 each person who is proposed to be an owner, officer, or board member
18 of the proposed medical cannabis establishment;

19 (vi) proposed operating procedures
20 consistent with department rule for oversight of the proposed
21 medical cannabis establishment, including procedures to ensure the
22 use of adequate security measures;

23 (vii) if the proposed medical cannabis
24 establishment will manufacture, sell, or deliver edible cannabis
25 products or cannabis-infused products, proposed operating
26 procedures preapproved by the department for handling those
27 products;

1 (viii) if the municipality or, in the case
2 of a location in an unincorporated area, the county in which the
3 proposed medical cannabis establishment will be located has enacted
4 zoning restrictions or licensing requirements, proof of licensure
5 with the applicable local governmental authority or an affirmation
6 signed by the applicant that the proposed medical cannabis
7 establishment will be in compliance with any local restrictions and
8 satisfies all applicable zoning requirements; and

9 (ix) any other information required by
10 department rule; and

11 (2) none of the persons who are proposed to be owners,
12 officers, or board members of the proposed medical cannabis
13 establishment:

14 (A) have served as an owner, officer, or board
15 member for a medical cannabis establishment that has had its
16 medical cannabis establishment registration certificate revoked;
17 or

18 (B) are under 21 years of age.

19 (d) Except as otherwise provided in this subchapter, if an
20 application for registration as a medical cannabis establishment
21 satisfies the requirements of this section and the establishment is
22 not disqualified from being registered as a medical cannabis
23 establishment under this section or other law, the department shall
24 issue to the establishment a medical cannabis establishment
25 registration certificate.

26 (e) A medical cannabis establishment registration
27 certificate expires two years after the date of issuance and may be

1 renewed on:

2 (1) an application for renewal that contains the
3 information required by this section for an original application;

4 and

5 (2) payment of the renewal fee.

6 Sec. 488.152. DEPARTMENT AUTHORITY AND REQUIREMENTS. (a)

7 The executive commissioner shall adopt any rule necessary or proper
8 for the department to carry out the purposes and intent of this
9 chapter and to enable the department to exercise its powers and
10 perform its duties under this chapter.

11 (b) The department shall approve or deny an application for
12 cultivating, manufacturing, testing, transporting, and
13 distributing medical cannabis, edible cannabis products, and
14 cannabis-infused products under this chapter.

15 (c) The department may deny a new or renewal application for
16 a medical cannabis establishment registration certificate issued
17 under this chapter if the department determines that the applicant
18 fails to meet the minimum criteria established by this chapter.

19 (d) The department may take any action with respect to a new
20 or renewal application for a medical cannabis establishment
21 registration certificate in the manner prescribed by this chapter.

22 (e) The department shall develop and publish any forms,
23 identification certificates, and applications that are necessary
24 or convenient for the administration of this chapter or the rules
25 adopted under this chapter.

26 Sec. 488.153. GROUNDS FOR REVOCATION. (a) Except as
27 otherwise provided by this section, the following acts constitute

1 grounds for suspension or revocation of a medical cannabis
2 establishment registration certificate:

3 (1) dispensing, delivering, or otherwise transferring
4 cannabis to a person other than a medical cannabis establishment
5 agent, another medical cannabis establishment, or a cardholder or
6 nonresident cardholder;

7 (2) acquiring usable cannabis or mature cannabis
8 plants from any person other than a medical cannabis establishment
9 agent, another medical cannabis establishment, or a cardholder or
10 nonresident cardholder; or

11 (3) violating a provision of this chapter or a
12 department rule, the violation of which is provided by rule as
13 grounds for suspension or revocation of a medical cannabis
14 establishment registration certificate.

15 (b) The following are not grounds for suspension or
16 revocation:

17 (1) a medical cannabis establishment, agent or
18 cardholder obtains or acquires cannabis seeds from any party; or

19 (2) a medical cannabis establishment agent or
20 cardholder provides seeds to a medical cannabis establishment agent
21 or cardholder.

22 Sec. 488.154. LOCATION, LAND USE, APPEARANCE, AND SIGNAGE.

23 (a) A local government may enact:

24 (1) reasonable zoning rules that limit the use of land
25 for medical cannabis establishments to specified areas; and

26 (2) ordinances, orders, or other rules that regulate
27 the time, place, and manner of medical cannabis establishment

1 operations.

2 (b) A local government may not prohibit medical cannabis
3 establishments, either expressly or through the enactment of
4 ordinances, orders, or other rules, that make the operation of any
5 establishment within the jurisdiction impracticable.

6 (c) A medical cannabis establishment must:

7 (1) be located in a building or facility that is in a
8 commercial or industrial zone, district or overlay, or, in the case
9 of a cultivation facility, in a commercial or industrial zone,
10 district or overlay, or agricultural zone or district;

11 (2) comply with all local ordinances, orders, and
12 rules pertaining to zoning, land use, signage, and licensing;

13 (3) have an appearance, both as to the interior and
14 exterior, that is professional, orderly, dignified, and, in the
15 case of a dispensary or testing facility, consistent with the
16 traditional style of pharmacies and medical offices; and

17 (4) have discreet and professional signage that is
18 consistent with the traditional style of signage for pharmacies and
19 medical offices.

20 Sec. 488.155. OPERATING DOCUMENTS; SECURITY MEASURES;
21 OVERSIGHT. (a) The operating documents of a medical cannabis
22 establishment must include procedures for:

23 (1) providing the oversight of the medical cannabis
24 establishment; and

25 (2) ensuring accurate recordkeeping.

26 (b) A medical cannabis establishment may not acquire,
27 possess, cultivate, manufacture, deliver, transfer, transport,

1 supply, or dispense cannabis for any purpose except to directly or
2 indirectly assist registered qualifying patients, designated
3 caregivers who have been issued registry identification cards, or
4 authorized nonresident cardholders.

5 (c) All cultivation or production of cannabis that a
6 cultivation facility carries out or causes to be carried out must
7 take place in a secure facility at the physical address provided to
8 the department during the registration process. The facility may
9 not be accessible to persons other than:

10 (1) medical cannabis establishment agents who are
11 lawfully associated with the cultivation facility;

12 (2) persons 18 years of age or older supervised by a
13 medical cannabis establishment agent; and

14 (3) persons who are otherwise lawfully present,
15 including department agents, representatives of law enforcement,
16 or emergency services personnel.

17 (d) A medical cannabis dispensary or a cultivation facility
18 may acquire cannabis or cannabis plants from a cardholder. A
19 cardholder may donate cannabis and cannabis plants to medical
20 cannabis establishments no more frequently than once every 30 days.

21 (e) Medical cannabis establishments are subject to
22 reasonable inspection by the department at any time during business
23 hours. A person who holds a medical cannabis establishment
24 registration certificate or the person's designee must be
25 personally available and present for any inspection of the
26 establishment by the department.

27 Sec. 488.156. DUTIES OF MEDICAL CANNABIS DISPENSARIES

1 RELATING TO SALE OF MEDICAL CANNABIS. (a) Each medical cannabis
2 dispensary shall ensure that the concentration of delta-9
3 tetrahydrocannabinol (THC) and cannabidiol (CBD) in all cannabis,
4 edible cannabis products, and cannabis-infused products that the
5 dispensary offers is clearly and accurately stated on the product
6 sold.

7 (b) The dispensary may not sell or deliver to a cardholder
8 or nonresident cardholder, in any 14-day period, an amount of
9 cannabis for medical purposes that exceeds the allowable amount of
10 cannabis.

11 (c) A dispensary may not sell or deliver more than six
12 cannabis plants to a cardholder in any 180-day period.

13 Sec. 488.157. DESIGNATION OF MEDICAL CANNABIS
14 DISPENSARIES. (a) Each qualifying patient who holds a valid
15 registry identification card and each nonresident cardholder may
16 select in accordance with department rule not more than two medical
17 cannabis dispensaries to serve as the patient's designated medical
18 cannabis dispensary at any one time.

19 (b) A qualifying patient who designates a medical cannabis
20 dispensary under Subsection (a) shall communicate the designation
21 to the department within the time specified by the department. A
22 patient may change the patient's dispensary designation not more
23 than once in a 30-day period.

24 Sec. 488.158. CANNABIS TESTING FACILITIES. (a) Each
25 cannabis testing facility must be able to determine accurately,
26 with respect to cannabis, edible cannabis products, and
27 cannabis-infused products that are sold or will be sold at medical

1 cannabis dispensaries in this state:

2 (1) the concentration of delta-9 tetrahydrocannabinol
3 (THC) and cannabidiol (CBD) contained in the cannabis or product,
4 in accordance with the standards set by the department; and

5 (2) the presence and identification of contaminants
6 that exceed standards established by the department.

7 (b) To obtain certification by the department on behalf of
8 an independent testing facility, an applicant must:

9 (1) apply for certification under this chapter; and

10 (2) pay the required fee.

11 SUBCHAPTER E. LIMITATIONS

12 Sec. 488.201. LIMITATIONS. This chapter does not authorize
13 or prevent the imposition of any civil, criminal, or other penalty
14 for the following conduct:

15 (1) undertaking any task while intoxicated due to the
16 introduction of cannabis, when doing so would constitute negligence
17 or professional malpractice;

18 (2) possessing cannabis or otherwise engaging in the
19 medical use of cannabis:

20 (A) in a school bus;

21 (B) on the grounds of a preschool or primary or
22 secondary school; or

23 (C) in a correctional facility;

24 (3) smoking cannabis on any form of public
25 transportation or in a public place; or

26 (4) operating, navigating, or being in actual physical
27 control of a motor vehicle, aircraft, train, or motorboat, or

1 otherwise committing an offense under Chapter 49, Penal Code, while
2 intoxicated due to the introduction of cannabis.

3 SUBCHAPTER F. EMPLOYERS OF REGISTERED QUALIFYING PATIENTS

4 Sec. 488.251. RIGHTS OF EMPLOYERS. (a) An employer is not
5 required to authorize or accommodate the medical use of cannabis on
6 the employer's premises or any work site, except as required by
7 federal law.

8 (b) Except as provided in this subchapter and
9 notwithstanding other law, a person who is a registered qualifying
10 patient, including a nonresident cardholder, and engages in the
11 medical use of cannabis shall be afforded all the same rights under
12 state and local law, including those guaranteed under Chapter 21,
13 Labor Code, as the person would be afforded if the person were
14 solely prescribed pharmaceutical medications, as it pertains to:

15 (1) any interaction with a person's employer;
16 (2) drug testing by a person's employer; or
17 (3) drug testing required by any state or local law,
18 agency, or government official.

19 (c) The rights provided by this section do not apply to the
20 extent that they conflict with an employer's obligations under
21 federal law or regulations or to the extent that they would
22 disqualify an employer from a monetary or licensing-related benefit
23 under federal law or regulations.

24 (d) An employer is not required to allow an employee to work
25 while intoxicated. A registered qualifying patient may not be
26 considered to be intoxicated or under the influence of cannabis
27 solely because of the presence of metabolites or components of

1 cannabis that appear in insufficient concentration to cause
2 impairment.

3 SUBCHAPTER G. EQUAL PROTECTION IN MEDICAL CARE

4 Sec. 488.301. ORGAN TRANSPLANTS AND OTHER MEDICAL CARE.

5 For the purposes of medical care, including organ and tissue
6 transplants, a registered qualifying patient's medical use of
7 cannabis in accordance with this chapter is considered equivalent
8 to the use of pharmaceutical medication in accordance with a
9 prescription issued by a practitioner and does not constitute the
10 use of an illicit substance or otherwise disqualify a registered
11 qualifying patient from needed medical care.

12 SUBCHAPTER H. PRIVATE PROPERTY RIGHTS

13 Sec. 488.351. PRIVATE PROPERTY RIGHTS. Nothing in this
14 chapter requires any person or establishment in lawful possession
15 of property to allow a guest, client, customer, or other visitor to
16 use or possess cannabis on or in that property.

17 SUBCHAPTER I. HEALTH BENEFIT PLANS

18 Sec. 488.401. HEALTH BENEFIT PLAN REIMBURSEMENT NOT
19 REQUIRED. This chapter does not require a health benefit plan
20 issuer to provide reimbursement for medical cannabis or for a
21 service related to medical cannabis.

22 Sec. 488.402. APPLICABILITY OF SUBCHAPTER. (a) This
23 subchapter applies to any health benefit plan that provides
24 benefits for medical or surgical expenses incurred as a result of a
25 health condition, accident, or sickness, including an individual,
26 group, blanket, or franchise insurance policy or insurance
27 agreement, a group hospital service contract, or a small or large

1 employer group contract or similar coverage document that is
2 offered by:

3 (1) an insurance company;

4 (2) a group hospital service corporation operating
5 under Chapter 842, Insurance Code;

6 (3) a fraternal benefit society operating under
7 Chapter 885, Insurance Code;

8 (4) a stipulated premium company operating under
9 Chapter 884, Insurance Code;

10 (5) a reciprocal exchange operating under Chapter 942,
11 Insurance Code;

12 (6) a health maintenance organization operating under
13 Chapter 843, Insurance Code;

14 (7) a multiple employer welfare arrangement that holds
15 a certificate of authority under Chapter 846, Insurance Code; or

16 (8) an approved nonprofit health corporation that
17 holds a certificate of authority under Chapter 844, Insurance Code.

18 (b) This subchapter applies to group health coverage made
19 available by a school district in accordance with Section 22.004,
20 Education Code.

21 (c) Notwithstanding Section 172.014, Local Government Code,
22 or any other law, this subchapter applies to health and accident
23 coverage provided by a risk pool created under Chapter 172, Local
24 Government Code.

25 (d) Notwithstanding any provision in Chapter 1551, 1575,
26 1579, or 1601, Insurance Code, or any other law, this subchapter
27 applies to:

1 (1) a basic coverage plan under Chapter 1551,
2 Insurance Code;

3 (2) a basic plan under Chapter 1575, Insurance Code;

4 (3) a primary care coverage plan under Chapter 1579,
5 Insurance Code; and

6 (4) basic coverage under Chapter 1601, Insurance Code.

7 (e) Notwithstanding any other law, this subchapter applies
8 to coverage under:

9 (1) the child health plan program under Chapter 62 or
10 the health benefits plan for children under Chapter 63; and

11 (2) the medical assistance program under Chapter 32,
12 Human Resources Code.

13 SECTION 2. Subtitle B, Title 3, Occupations Code, is
14 amended by adding Chapter 170 to read as follows:

15 CHAPTER 170. AUTHORITY TO RECOMMEND MEDICAL CANNABIS TO CERTAIN
16 REGISTERED QUALIFYING PATIENTS WITH DEBILITATING MEDICAL
17 CONDITIONS

18 Sec. 170.001. DEFINITIONS. In this chapter, "bona fide
19 practitioner-patient relationship," "cannabis," "debilitating
20 medical condition," "medical cannabis," and "written
21 certification" have the meanings assigned by Section 488.001,
22 Health and Safety Code.

23 Sec. 170.002. RECOMMENDATION OF MEDICAL CANNABIS. (a) A
24 practitioner licensed under this subtitle who has examined and
25 treated a patient with a debilitating medical condition may
26 recommend the use by the patient of medical cannabis and may sign a
27 written certification if:

1 (1) a bona fide practitioner-patient relationship
2 exists;

3 (2) the practitioner determines the risk of the use of
4 medical cannabis by the patient is reasonable in light of the
5 potential benefit for the patient; and

6 (3) the practitioner has explained the risks and
7 benefits of the medical use of cannabis to the patient and, if the
8 patient is younger than 18 years of age, to at least one custodial
9 parent, guardian, conservator, or other person with authority to
10 consent to the qualifying patient's medical treatment.

11 (b) An agency, including a law enforcement agency, of this
12 state or a political subdivision of this state may not initiate an
13 administrative, civil, or criminal investigation into a
14 practitioner licensed to practice medicine in this state solely on
15 the ground that the practitioner:

16 (1) discussed the use of medical cannabis as a
17 treatment option with a patient of the practitioner; or

18 (2) signed a written certification or otherwise made a
19 written or oral statement that, in the practitioner's professional
20 opinion, the potential benefits of the use of medical cannabis
21 would likely outweigh the health risks for a particular patient.

22 (c) A practitioner may not be denied any right or privilege
23 or be subject to any disciplinary action solely for signing a
24 written certification or for otherwise making a written or oral
25 statement that, in the practitioner's professional opinion, the
26 potential benefits of the use of medical cannabis would likely
27 outweigh the health risks for a particular patient.

1 SECTION 3. Not later than December 1, 2015, the executive
2 commissioner of the Health and Human Services Commission shall
3 adopt rules as required to implement, administer, and enforce
4 Chapter 488, Health and Safety Code, as added by this Act, including
5 rules to establish the confidential registry required by that
6 chapter.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.