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HOUSE REPORT 100-1000

FLOOR AMENDMENT NO. _____

BY:

Lucio III

1 Amend H.B. No. 1 (house committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ Chapter 169, Occupations Code, is amended by
5 adding Section 169.006 to read as follows:

6 Sec. 169.006. ALTERNATIVE PHYSICIAN RECOMMENDATION
7 PROGRAM. (a) If the board determines that, following a ruling from
8 a federal court, a physician may not make a prescription for low-THC
9 cannabis under this chapter consistent with federal law, the board
10 shall implement a program to allow a physician to issue a written
11 recommendation to a patient for the use of low-THC cannabis under
12 this chapter. Under the program, a physician may issue a written
13 recommendation for low-THC cannabis for a patient in lieu of a
14 prescription. Following adoption of a program under this section,
15 a reference in this chapter or Chapter 481 or 487, Health and Safety
16 Code, to:

17 (1) a "prescription" for low-THC cannabis means a
18 "recommendation" for low-THC cannabis;

19 (2) a "prescriber" of low-THC cannabis means a
20 "recommending physician" who has recommended low-THC cannabis for a
21 patient in accordance with this chapter; and

22 (3) a patient for whom low-THC cannabis is
23 "prescribed" is a patient for whom low-THC cannabis is
24 "recommended" in accordance with this chapter.

25 (b) Under a program implemented under this section:

26 (1) the board shall adopt a low-THC cannabis
27 recommendation form for the use of a physician who recommends
28 low-THC cannabis for a patient under this chapter; and

29 (2) a physician who recommends low-THC cannabis to a

1 patient under this chapter must issue a low-THC cannabis
2 recommendation form to the patient.

3 (c) In implementing the program under this section, the
4 board shall determine whether a physician may specify the dosage of
5 low-THC cannabis recommended for a patient for whom low-THC
6 cannabis is recommended under this chapter, the method of
7 administration recommended for the patient, and the total monthly
8 amount of low-THC cannabis recommended for the patient to obtain
9 each month from a dispensing organization without risk to the
10 physician of an investigation or disciplinary order involving the
11 physician's license to prescribe, dispense, administer, supply, or
12 sell a controlled substance.

13 (d) Notwithstanding any other law, a physician who
14 recommends low-THC cannabis for a patient under a program
15 implemented under this section is not required to specify the
16 dosage recommended for a patient, the method of administration
17 recommended for the patient, or the total monthly amount of low-THC
18 cannabis recommended for the patient unless the board makes the
19 determination under Subsection (c).

20 (e) The board may not take a disciplinary action against or
21 impose an administrative penalty on a physician solely for
22 recommending the medical use of low-THC cannabis in accordance with
23 a program implemented under this section.