

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3703
By: Klick et al. (Campbell)
Health & Human Services
5/19/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2015, the state legislature enacted the Texas Compassionate-Use Act and authorized low-THC cannabis to be prescribed to treat a patient with intractable epilepsy. There have been calls to make certain updates to that act and to make more conditions eligible for treatment using low-THC cannabis. H.B. 3703 seeks to respond to those calls. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3703 amends current law relating to the prescription of low-THC cannabis for medical use by certain qualified physicians to patients with certain medical conditions.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 169.001, Occupations Code, by adding Subdivisions (1-a) and (6) and amending Subdivision (3) to define "incurable neurodegenerative disease" and "terminal cancer" and redefine "low-THC cannabis."

SECTION 2. Amends Chapter 169, Occupations Code, by adding Sections 169.0011 and amending Sections 169.002, 169.003, and 169.004, as follows:

Sec. 169.0011. PRESCRIPTION FOR MEDICAL USE. Provides that a reference in this chapter (Authority to Prescribe Low-THC Cannabis to Certain Patients For Compassionate Use), Chapter 487 (Texas Compassionate-Use Act), Health and Safety Code, or other law to a prescription for medical use or a prescription for low-THC cannabis means an entry in the compassionate-use registry established under Section 487.054 (Compassionate-Use Registry), Health and Safety Code.

Sec. 169.002. New heading: PHYSICIAN QUALIFIED TO PRESCRIBE LOW-THC CANNABIS TO PATIENTS WITH CERTAIN MEDICAL CONDITIONS. (a) Authorizes only a physician qualified with respect to a patient's particular medical condition as provided by this section to prescribe low-THC cannabis in accordance with this chapter to treat the applicable medical condition.

(b) Creates Subdivision (3) from existing text and deletes existing Subdivision (3). Provides that a physician is qualified to prescribe low-THC cannabis with respect to a patient's medical condition if the physician, rather than providing that a physician is qualified to prescribe low-THC cannabis to a patient with intractable epilepsy if the physician:

(1) makes no changes to this subdivision;

(2) is board certified in a medical specialty relevant to the treatment of the patient's particular medical condition by a specialty board approved by the

American Board of Medical Specialties or the Bureau of Osteopathic Specialists; and

(3) dedicates a significant portion of clinical practice to the evaluation and treatment of the patient's particular medical condition, rather than dedicates a significant portion of clinical practice to the evaluation and treatment of epilepsy and is certified by certain entities.

Sec. 169.003. PRESCRIPTION OF LOW-THC CANNABIS. Creates Subdivision (2)(A)(i) from existing text and deletes Paragraph (C). Authorizes a physician described by Section 169.002 to prescribe low-THC cannabis to a patient if, rather than to prescribe low-THC cannabis to alleviate a patient's seizures if:

(1) makes a nonsubstantive change to this subdivision;

(2) makes no changes to this subdivision; and

(3) the physician certifies to the Department of Public Safety of the State of Texas (DPS) that:

(A) the patient is diagnosed with:

(i) epilepsy, rather than intractable epilepsy;

(ii) a seizure disorder;

(iii) multiple sclerosis; or

(iv) spasticity;

(v) amyotrophic lateral sclerosis;

(vi) autism;

(vii) terminal cancer; or

(viii) an incurable neurodegenerative disease; and

(B) makes a nonsubstantive change to this paragraph.

Deletes existing text of Paragraph (C) relating to providing that a second physician licensed in this state qualified to prescribe low-THC cannabis under Section 169.002 has concurred with the determination under Paragraph (B), and the second physician's concurrence is recorded in the patient's medical record.

Sec. 169.004. LOW-THC CANNABIS PRESCRIBER REGISTRATION. (a) Creates this subsection from existing text.

(b) Prohibits DPS from publishing the name of a physician registered under this section unless permission is expressly granted by the physician.

SECTION 3. Repealer: Section 169.001(2) (relating to the definition of "intractable epilepsy"), Occupations Code.

SECTION 4. Requires the executive commissioner of the Health and Human Services Commission, in consultation with the National Institutes of Health, not later than December 1, 2019, to adopt rules designating diseases as incurable neurodegenerative diseases for which patients are authorized to be prescribed low-THC cannabis for medical use under Chapter 169, Occupations Code, as amended by this Act.

SECTION 5. Effective date: upon passage or September 1, 2019.