86R4808 GCB-F

By:  Thierry H.B. No. 1405

A BILL TO BE ENTITLED

AN ACT

relating to the prescription of low-THC cannabis by certain qualified physicians for certain patients diagnosed with a terminal illness.

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

SECTION 1.  Section 169.001, Occupations Code, is amended by adding Subdivisions (1-a) and (6) to read as follows:

(1-a)  "Hospice-eligible patient" means a person with a terminal illness whose life expectancy is six months or less, as determined by the person's treating physician.

(6)  "Terminal illness" has the meaning assigned by Section 489.001, Health and Safety Code.

SECTION 2.  Section 169.002, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c)  A physician is qualified to prescribe low-THC cannabis to a hospice-eligible patient if the physician is licensed under this subtitle and the physician:

(1)  is certified in the subspecialty of medical oncology by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine;

(2)  is certified in the subspecialty of hospice and palliative medicine by the American Board of Internal Medicine; or

(3)  dedicates a significant portion of clinical practice to the evaluation and treatment of patients with a terminal illness.

SECTION 3.  Section 169.003, Occupations Code, is amended to read as follows:

Sec. 169.003.  PRESCRIPTION OF LOW-THC CANNABIS.  A physician described by Section 169.002 may prescribe low-THC cannabis to alleviate a patient's symptoms [~~seizures~~] if:

(1)  the patient is a permanent resident of the state;

(2)  the physician complies with the registration requirements of Section 169.004; and

(3)  the physician certifies to the department that:

(A)  the patient is diagnosed with:

(i)  intractable epilepsy; or

(ii)  a terminal illness and is a hospice-eligible patient;

(B)  the physician determines the risk of the medical use of low-THC cannabis by the patient is reasonable in light of the potential benefit for the patient; and

(C)  a second physician qualified to prescribe low-THC cannabis for that patient 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.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.