

By: Pacheco

H.B. No. 1338

A BILL TO BE ENTITLED

AN ACT

relating to prescribing low-THC cannabis to certain patients for
compassionate use.

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

SECTION 1. Section 169.001(2), Occupations Code, is amended
to read as follows:

(2) "Epilepsy" has the meaning assigned by Section
40.001, Health and Safety Code [~~"Intractable epilepsy" means a
seizure disorder in which the patient's seizures have been treated
by two or more appropriately chosen and maximally titrated
antiepileptic drugs that have failed to control the seizures~~].

SECTION 2. Section 169.002(b), Occupations Code, is amended
to read as follows:

(b) A physician is qualified to prescribe low-THC cannabis
to a patient with [~~intractable~~] epilepsy if the physician:

(1) is licensed under this subtitle;

(2) dedicates a significant portion of clinical
practice to the evaluation and treatment of epilepsy; and

(3) is certified:

(A) by the American Board of Psychiatry and
Neurology in:

(i) epilepsy; or

(ii) neurology or neurology with special
qualification in child neurology and is otherwise qualified for the

1 examination for certification in epilepsy; or

2 (B) in neurophysiology by:

3 (i) the American Board of Psychiatry and
4 Neurology; or

5 (ii) the American Board of Clinical
6 Neurophysiology.

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

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

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

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

15 (3) the physician certifies to the department that:

16 (A) the patient is diagnosed with [~~intractable~~]
17 epilepsy;

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

21 (C) a second physician qualified to prescribe
22 low-THC cannabis under Section 169.002 has concurred with the
23 determination under Paragraph (B), and the second physician's
24 concurrence is recorded in the patient's medical record.

25 SECTION 4. This Act takes effect September 1, 2019.