

By: Thierry

H.B. No. 1405

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prescription of low-THC cannabis by certain
3 qualified physicians for certain patients diagnosed with a terminal
4 illness.

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

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

8 (1-a) "Hospice-eligible patient" means a person with a
9 terminal illness whose life expectancy is six months or less, as
10 determined by the person's treating physician.

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

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

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

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

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

23 (3) dedicates a significant portion of clinical
24 practice to the evaluation and treatment of patients with a

1 terminal illness.

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

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

7 (1) the patient is a permanent resident of the state;
8 (2) the physician complies with the registration
9 requirements of Section 169.004; and

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

11 (A) the patient is diagnosed with:

12 (i) intractable epilepsy; or

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

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

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

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