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H.B. No. 3703

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the dispensing, administration, and use of low-THC
3 cannabis; authorizing low-THC cannabis research; authorizing a
4 fee.

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

6 SECTION 1. Subchapter A, Chapter 37, Education Code, is
7 amended by adding Section 37.0015 to read as follows:

8 Sec. 37.0015. LOW-THC CANNABIS. Notwithstanding any other
9 provision of this chapter, a student for whom low-THC cannabis was
10 prescribed under Chapter 169, Occupations Code, may not be subject
11 to suspension, expulsion, placement in a disciplinary alternative
12 education program, or any other form of discipline solely because
13 the student possessed, used, or was under the influence of the
14 low-THC cannabis.

15 SECTION 2. Section 481.062(a), Health and Safety Code, is
16 amended to read as follows:

17 (a) The following persons may possess a controlled
18 substance under this chapter without registering with the Federal
19 Drug Enforcement Administration:

20 (1) an agent or employee of a manufacturer,
21 distributor, analyzer, or dispenser of the controlled substance who
22 is registered with the Federal Drug Enforcement Administration and
23 acting in the usual course of business or employment;

24 (2) a common or contract carrier, a warehouseman, or

1 an employee of a carrier or warehouseman whose possession of the
2 controlled substance is in the usual course of business or
3 employment;

4 (3) an ultimate user or a person in possession of the
5 controlled substance under a lawful order of a practitioner or in
6 lawful possession of the controlled substance if it is listed in
7 Schedule V;

8 (4) an officer or employee of this state, another
9 state, a political subdivision of this state or another state, or
10 the United States who is lawfully engaged in the enforcement of a
11 law relating to a controlled substance or drug or to a customs law
12 and authorized to possess the controlled substance in the discharge
13 of the person's official duties;

14 (5) if the substance is tetrahydrocannabinol or one of
15 its derivatives, +

16 ~~[(A) a Department of State Health Services~~
17 ~~official, a medical school researcher, or a research program~~
18 ~~participant possessing the substance as authorized under~~
19 ~~Subchapter C, or~~

20 ~~[(B)]~~ a practitioner or an ultimate user
21 possessing the substance as a participant in a federally approved
22 therapeutic research program that the commissioner has reviewed and
23 found, in writing, to contain a medically responsible research
24 protocol; or

25 (6) a dispensing organization licensed under Chapter
26 487 that possesses low-THC cannabis.

27 SECTION 3. Chapter 481, Health and Safety Code, is amended

1 by adding Subchapter G-1 to read as follows:

2 SUBCHAPTER G-1. LOW-THC CANNABIS RESEARCH PROGRAM

3 Sec. 481.251. DEFINITIONS. In this subchapter:

4 (1) "Commission" means the Health and Human Services
5 Commission.

6 (2) "Health-related institution" has the meaning
7 assigned by Section 62.161, Education Code, as added by Chapter 448
8 (H.B. 7), Acts of the 84th Legislature, Regular Session, 2015.

9 (3) "Low-THC cannabis" has the meaning assigned by
10 Section 169.001, Occupations Code.

11 Sec. 481.252. LOW-THC CANNABIS RESEARCH PROGRAM. (a)

12 Subject to Section 481.253, the executive commissioner by rule
13 shall establish a low-THC cannabis research program to be conducted
14 by one or more health-related institutions in this state.

15 (b) In adopting rules under this section, the executive
16 commissioner may provide:

17 (1) procedures for a health-related institution in
18 this state to apply to the commission for a permit to conduct
19 low-THC cannabis research under the program established by this
20 subchapter;

21 (2) criteria for granting a permit to a health-related
22 institution to conduct low-THC cannabis research;

23 (3) any applicable fees for a permit to conduct
24 low-THC cannabis research;

25 (4) limitations concerning the medical conditions for
26 which low-THC cannabis research may be conducted under the program;

27 (5) restrictions related to facilities where low-THC

1 cannabis research may be conducted; and

2 (6) any other conditions related to low-THC cannabis
3 research that are necessary to comply with federal law regarding
4 cannabis research with human subjects.

5 Sec. 481.253. COMPLIANCE WITH FEDERAL LAW. (a) The
6 executive commissioner shall make or assist a health-related
7 institution seeking to conduct research into low-THC cannabis in
8 making all necessary applications to appropriate federal agencies
9 to establish the program under this subchapter in compliance with
10 federal law.

11 (b) The commission is not required to establish the program
12 under this subchapter if a registration or license required by
13 federal law to operate the program cannot be obtained.

14 SECTION 4. Section 487.101, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 487.101. LICENSE REQUIRED; DISPENSING LOCATIONS. (a) A
17 license issued by the department under this chapter is required to
18 operate a dispensing organization.

19 (b) A dispensing organization may operate more than one
20 dispensing location under a single license issued by the department
21 under this chapter if the department determines that more than one
22 dispensing location is necessary to meet patient access needs.

23 SECTION 5. Section 487.107, Health and Safety Code, is
24 amended by adding Subsection (c) to read as follows:

25 (c) On request of the department, a dispensing organization
26 must provide to the department a sample suitable for testing of
27 low-THC cannabis dispensed by the organization.

1 SECTION 6. Section 169.001(3), Occupations Code, is amended
2 to read as follows:

3 (3) "Low-THC cannabis" means the plant Cannabis sativa
4 L., and any part of that plant or any compound, manufacture, salt,
5 derivative, mixture, preparation, resin, or oil of that plant that
6 contains[+]

7 [~~(A)~~] not more than 0.5 percent by weight of
8 tetrahydrocannabinols[+ and

9 [~~(B) not less than 10 percent by weight of~~
10 ~~cannabidiol~~].

11 SECTION 7. Sections 169.002 and 169.003, Occupations Code,
12 are amended to read as follows:

13 Sec. 169.002. PHYSICIAN QUALIFIED TO PRESCRIBE LOW-THC
14 CANNABIS TO PATIENTS WITH CERTAIN MEDICAL CONDITIONS. (a) Only a
15 physician qualified as provided by this section may prescribe
16 low-THC cannabis in accordance with this chapter.

17 (b) A physician is qualified to prescribe low-THC cannabis
18 to a patient with [~~intractable~~] epilepsy, multiple sclerosis, or
19 spasticity only if the physician:

20 (1) is licensed under this subtitle;

21 (2) dedicates a significant portion of clinical
22 practice to the evaluation and treatment of that patient's medical
23 condition [~~epilepsy~~]; and

24 (3) is certified:

25 (A) by the American Board of Psychiatry and
26 Neurology [~~in+~~

27 [~~(i) epilepsy, or~~

1 ~~[(ii) neurology or neurology with special~~
2 ~~qualification in child neurology and is otherwise qualified for the~~
3 ~~examination for certification in epilepsy]; or~~

4 (B) in neurophysiology by:

5 (i) the American Board of Psychiatry and
6 Neurology; or

7 (ii) the American Board of Clinical
8 Neurophysiology.

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

12 (1) the patient is a permanent resident of this ~~[the]~~
13 state;

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

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

17 (A) the patient is diagnosed with:

18 (i) [intractable] epilepsy;

19 (ii) multiple sclerosis; or

20 (iii) spasticity;

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

24 (C) a second physician licensed in this state
25 ~~[qualified to prescribe low-THC cannabis under Section 169.002]~~ has
26 concurred with the determination under Paragraph (B), and the
27 second physician's concurrence is recorded in the patient's medical

1 record.

2 SECTION 8. (a) Subchapter G, Chapter 481, Health and Safety
3 Code, is repealed.

4 (b) Section 169.001(2), Occupations Code, is repealed.

5 SECTION 9. This Act takes effect September 1, 2019.