

By: Klick

H.B. No. 3703

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the dispensing, administration, and use of low-THC
3 cannabis; authorizing medical 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. MEDICAL CANNABIS RESEARCH PROGRAM

3 Sec. 481.251. DEFINITION. In this subchapter, "commission"
4 means the Health and Human Services Commission.

5 Sec. 481.252. MEDICAL CANNABIS RESEARCH PROGRAM. (a)
6 Subject to Section 481.253, the executive commissioner by rule
7 shall establish a medical cannabis research program to be conducted
8 by one or more medical schools in this state.

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

11 (1) procedures for a medical school in this state to
12 apply to the commission for a permit to conduct medical cannabis
13 research under the program established by this subchapter;

14 (2) criteria for granting a permit to a medical school
15 to conduct medical cannabis research;

16 (3) any applicable fees for a permit to conduct
17 medical cannabis research;

18 (4) limitations concerning the medical conditions for
19 which medical cannabis research may be conducted under the program;

20 (5) restrictions related to facilities where medical
21 cannabis research may be conducted; and

22 (6) any other conditions related to medical cannabis
23 research that are necessary to comply with federal law regarding
24 cannabis research with human subjects.

25 Sec. 481.253. COMPLIANCE WITH FEDERAL LAW. (a) The
26 executive commissioner shall make or assist a medical school
27 seeking to conduct research into medical cannabis in making all

1 necessary applications to appropriate federal agencies to
2 establish the program under this subchapter in compliance with
3 federal law.

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

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

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

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

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

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

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

23 (3) "Low-THC cannabis" means the plant *Cannabis sativa*
24 L., and any part of that plant or any compound, manufacture, salt,
25 derivative, mixture, preparation, resin, or oil of that plant that
26 contains:

27 (A) not more than one [~~0.5~~] percent by weight of

1 tetrahydrocannabinols; and

2 (B) not less than 10 percent by weight of
3 cannabidiol.

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

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

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

13 (1) is licensed under this subtitle; and

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

16 [~~3~~] is certified:

17 (A) by the American Board of Psychiatry and
18 Neurology [~~in:~~

19 [~~(i) epilepsy; or~~

20 [~~(ii) neurology or neurology with special~~
21 ~~qualification in child neurology and is otherwise qualified for the~~
22 ~~examination for certification in epilepsy]; or~~

23 (B) in neurophysiology by:

24 (i) the American Board of Psychiatry and
25 Neurology; or

26 (ii) the American Board of Clinical
27 Neurophysiology.

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

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

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

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

9 (A) the patient is diagnosed with:

10 (i) [~~intractable~~] epilepsy;

11 (ii) multiple sclerosis; or

12 (iii) spasticity; and

13 (B) the physician determines the risk of the
14 medical use of low-THC cannabis by the patient is reasonable in
15 light of the potential benefit for the patient [~~, and~~

16 ~~[(C) a second physician qualified to prescribe~~
17 ~~low-THC cannabis under Section 169.002 has concurred with the~~
18 ~~determination under Paragraph (B), and the second physician's~~
19 ~~concurrence is recorded in the patient's medical record].~~

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

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

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