

1-1 By: Klick, et al. H.B. No. 3703  
1-2 (Senate Sponsor - Campbell, Menéndez, Schwertner)  
1-3 (In the Senate - Received from the House May 8, 2019;  
1-4 May 10, 2019, read first time and referred to Committee on Health &  
1-5 Human Services; May 20, 2019, reported adversely, with favorable  
1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-7 May 20, 2019, sent to printer.)

1-8 COMMITTEE VOTE

| 1-9  |            | Yea | Nay | Absent | PNV |
|------|------------|-----|-----|--------|-----|
| 1-10 | Kolkhorst  | X   |     |        |     |
| 1-11 | Perry      | X   |     |        |     |
| 1-12 | Buckingham | X   |     |        |     |
| 1-13 | Campbell   | X   |     |        |     |
| 1-14 | Flores     | X   |     |        |     |
| 1-15 | Johnson    | X   |     |        |     |
| 1-16 | Miles      | X   |     |        |     |
| 1-17 | Powell     | X   |     |        |     |
| 1-18 | Seliger    | X   |     |        |     |

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 3703 By: Campbell

1-20 A BILL TO BE ENTITLED  
1-21 AN ACT

1-22 relating to the prescription of low-THC cannabis for medical use by  
1-23 certain qualified physicians to patients with certain medical  
1-24 conditions.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 169.001, Occupations Code, is amended by  
1-27 adding Subdivisions (1-a) and (6) and amending Subdivision (3) to  
1-28 read as follows:

1-29 (1-a) "Incurable neurodegenerative disease" means a  
1-30 disease designated as an incurable neurodegenerative disease by  
1-31 rule of the executive commissioner of the Health and Human Services  
1-32 Commission, adopted in consultation with the National Institutes of  
1-33 Health.

1-34 (3) "Low-THC cannabis" means the plant *Cannabis sativa*  
1-35 L., and any part of that plant or any compound, manufacture, salt,  
1-36 derivative, mixture, preparation, resin, or oil of that plant that  
1-37 contains[+]

1-38 [~~(A)~~] not more than 0.5 percent by weight of  
1-39 tetrahydrocannabinols[~~, and~~

1-40 [~~(B)~~] not less than 10 percent by weight of  
1-41 ~~cannabidiol~~].

1-42 (6) "Terminal cancer" means cancer that meets the  
1-43 criteria for a terminal illness, as defined by Section 1003.051,  
1-44 Health and Safety Code.

1-45 SECTION 2. Chapter 169, Occupations Code, is amended by  
1-46 adding Section 169.0011 and amending Sections 169.002, 169.003, and  
1-47 169.004 to read as follows:

1-48 Sec. 169.0011. PRESCRIPTION FOR MEDICAL USE. A reference  
1-49 in this chapter, Chapter 487, Health and Safety Code, or other law  
1-50 to a prescription for medical use or a prescription for low-THC  
1-51 cannabis means an entry in the compassionate-use registry  
1-52 established under Section 487.054, Health and Safety Code.

1-53 Sec. 169.002. PHYSICIAN QUALIFIED TO PRESCRIBE LOW-THC  
1-54 CANNABIS TO PATIENTS WITH CERTAIN MEDICAL CONDITIONS. (a) Only a  
1-55 physician qualified with respect to a patient's particular medical  
1-56 condition as provided by this section may prescribe low-THC  
1-57 cannabis in accordance with this chapter to treat the applicable  
1-58 medical condition.

1-59 (b) A physician is qualified to prescribe low-THC cannabis  
1-60 with respect to a patient's particular medical condition [~~to a~~

2-1 ~~patient with intractable epilepsy]~~ if the physician:  
2-2 (1) is licensed under this subtitle;  
2-3 (2) is board certified in a medical specialty relevant  
2-4 to the treatment of the patient's particular medical condition by a  
2-5 specialty board approved by the American Board of Medical  
2-6 Specialties or the Bureau of Osteopathic Specialists; and  
2-7 (3) dedicates a significant portion of clinical  
2-8 practice to the evaluation and treatment of the patient's  
2-9 particular medical condition [epilepsy, and

2-10 ~~[(3) is certified:~~  
2-11 ~~[(A) by the American Board of Psychiatry and~~  
2-12 ~~Neurology in:~~

2-13 ~~[(i) epilepsy, or~~  
2-14 ~~[(ii) neurology or neurology with special~~  
2-15 ~~qualification in child neurology and is otherwise qualified for the~~  
2-16 ~~examination for certification in epilepsy; or~~

2-17 ~~[(B) in neurophysiology by:~~  
2-18 ~~[(i) the American Board of Psychiatry and~~  
2-19 ~~Neurology; or~~

2-20 ~~[(ii) the American Board of Clinical~~  
2-21 ~~Neurophysiology].~~

2-22 Sec. 169.003. PRESCRIPTION OF LOW-THC CANNABIS. A  
2-23 physician described by Section 169.002 may prescribe low-THC  
2-24 cannabis to a patient ~~[alleviate a patient's seizures]~~ if:

2-25 (1) the patient is a permanent resident of the state;  
2-26 (2) the physician complies with the registration  
2-27 requirements of Section 169.004; and

2-28 (3) the physician certifies to the department that:

- 2-29 (A) the patient is diagnosed with:  
2-30 (i) [intractable] epilepsy;  
2-31 (ii) a seizure disorder;  
2-32 (iii) multiple sclerosis;  
2-33 (iv) spasticity;  
2-34 (v) amyotrophic lateral sclerosis;  
2-35 (vi) autism;  
2-36 (vii) terminal cancer; or  
2-37 (viii) an incurable neurodegenerative

2-38 disease; and

2-39 (B) the physician determines the risk of the  
2-40 medical use of low-THC cannabis by the patient is reasonable in  
2-41 light of the potential benefit for the patient ~~[, and~~

2-42 ~~[(C) a second physician qualified to prescribe~~  
2-43 ~~low-THC cannabis under Section 169.002 has concurred with the~~  
2-44 ~~determination under Paragraph (B), and the second physician's~~  
2-45 ~~concurrence is recorded in the patient's medical record].~~

2-46 Sec. 169.004. LOW-THC CANNABIS PRESCRIBER REGISTRATION.

2-47 (a) Before a physician qualified to prescribe low-THC cannabis  
2-48 under Section 169.002 may prescribe or renew a prescription for  
2-49 low-THC cannabis for a patient under this chapter, the physician  
2-50 must register as the prescriber for that patient in the  
2-51 compassionate-use registry maintained by the department under  
2-52 Section 487.054, Health and Safety Code. The physician's  
2-53 registration must indicate:

- 2-54 (1) the physician's name;  
2-55 (2) the patient's name and date of birth;  
2-56 (3) the dosage prescribed to the patient;  
2-57 (4) the means of administration ordered for the  
2-58 patient; and

2-59 (5) the total amount of low-THC cannabis required to  
2-60 fill the patient's prescription.

2-61 (b) The department may not publish the name of a physician  
2-62 registered under this section unless permission is expressly  
2-63 granted by the physician.

2-64 SECTION 3. Section 169.001(2), Occupations Code, is  
2-65 repealed.

2-66 SECTION 4. Not later than December 1, 2019, the executive  
2-67 commissioner of the Health and Human Services Commission, in  
2-68 consultation with the National Institutes of Health, shall adopt  
2-69 rules designating diseases as incurable neurodegenerative diseases

3-1 for which patients may be prescribed low-THC cannabis for medical  
3-2 use under Chapter 169, Occupations Code, as amended by this Act.

3-3 SECTION 5. This Act takes effect immediately if it receives  
3-4 a vote of two-thirds of all the members elected to each house, as  
3-5 provided by Section 39, Article III, Texas Constitution. If this  
3-6 Act does not receive the vote necessary for immediate effect, this  
3-7 Act takes effect September 1, 2019.

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