87R6646 MCF-D

By:  Crockett H.B. No. 1233

A BILL TO BE ENTITLED

AN ACT

relating to prescribing low-THC cannabis under the Texas Compassionate Use Program.

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

SECTION 1.  Section 169.002, Occupations Code, is amended to read as follows:

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

(b)  A physician is qualified to prescribe low-THC cannabis to alleviate the symptoms of [~~with respect to~~] a patient's particular medical condition or the symptoms caused by other treatments for that medical condition if the physician:

(1)  is licensed under this subtitle;

(2)  is board certified in a medical specialty relevant to the treatment of the patient's particular medical condition by a specialty board approved by the American Board of Medical Specialties or the Bureau of Osteopathic Specialists; and

(3)  dedicates a significant portion of clinical practice to the evaluation and treatment of the patient's particular medical condition, and the treatment of symptoms caused by that medical condition and by other treatments for that medical condition.

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

Sec. 169.003.  PRESCRIPTION OF LOW-THC CANNABIS. A physician described by Section 169.002 may prescribe low-THC cannabis to a patient if:

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

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

(3)  the physician certifies to the department that:

(A)  the patient is diagnosed with a medical condition that produces symptoms, or the treatment of which produces symptoms, that are alleviated by medical use of low-THC cannabis [~~:~~

[~~(i)  epilepsy;~~

[~~(ii) a seizure disorder;~~

[~~(iii) multiple sclerosis;~~

[~~(iv) spasticity;~~

[~~(v)  amyotrophic lateral sclerosis;~~

[~~(vi) autism;~~

[~~(vii) terminal cancer; or~~

[~~(viii) an incurable neurodegenerative disease~~]; and

(B)  the physician determines the risk of the medical use of low-THC cannabis by the patient is reasonable in light of the potential benefit for the patient.

SECTION 3.  Sections 169.001(1-a) and (6), Occupations Code, are repealed.

SECTION 4.  This Act takes effect September 1, 2021.