

By: Larson

H.B. No. 3137

A BILL TO BE ENTITLED

AN ACT

relating to a medical cannabis research program.

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

SECTION 1. Section 481.062(a), Health and Safety Code, is amended to read as follows:

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

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

(2) a common or contract carrier, a warehouseman, or an employee of a carrier or warehouseman whose possession of the controlled substance is in the usual course of business or employment;

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

(4) an officer or employee of this state, another state, a political subdivision of this state or another state, or the United States who is lawfully engaged in the enforcement of a law relating to a controlled substance or drug or to a customs law

1 and authorized to possess the controlled substance in the discharge  
2 of the person's official duties;

3 (5) if the substance is tetrahydrocannabinol or one of  
4 its derivatives:

5 (A) a Department of State Health Services  
6 official, a medical school researcher, or a research program  
7 participant possessing the substance as authorized under  
8 Subchapter G or G-1, including all persons permitted or otherwise  
9 authorized to possess cannabis under Subchapter G-1; or

10 (B) a practitioner or an ultimate user possessing  
11 the substance as a participant in a federally approved therapeutic  
12 research program that the commissioner has reviewed and found, in  
13 writing, to contain a medically responsible research protocol; or

14 (6) a dispensing organization licensed under Chapter  
15 487 that possesses low-THC cannabis.

16 SECTION 2. Chapter 481, Health and Safety Code, is amended  
17 by adding Subchapter G-1 to read as follows:

18 SUBCHAPTER G-1. MEDICAL CANNABIS RESEARCH PROGRAM

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

21 Sec. 481.252. MEDICAL CANNABIS RESEARCH PROGRAM. (a) Not  
22 later than January 31, 2022, the executive commissioner by rule  
23 shall establish a medical cannabis research program to be conducted  
24 by health-related institutions of higher education in this state.

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

27 (1) procedures for a health-related institution of

1 higher education in this state to apply to the commission for a  
2 permit to conduct medical cannabis research under the program  
3 established by this subchapter; and

4 (2) criteria for granting a permit to a health-related  
5 institution of higher education to conduct medical cannabis  
6 research.

7 Sec. 481.253. INSTITUTIONAL REVIEW BOARD. (a) Before  
8 applying for a permit under this subchapter, a health-related  
9 institution of higher education shall establish an institutional  
10 review board to review or approve the initiation of and conduct  
11 periodic review of research programs to ensure the legal protection  
12 of the rights and welfare of human research subjects.

13 (b) The institution may designate an existing board,  
14 committee, or other group as the institutional review board  
15 required under this section.

16 Sec. 481.254. COMPASSIONATE-USE RESEARCH. (a) A  
17 health-related institution of higher education may apply for a  
18 permit to research:

19 (1) the efficacy of medical cannabis product  
20 formulations and product forms;

21 (2) medical conditions that might benefit from  
22 treatment with medical cannabis and are approved by the  
23 health-related institution's institutional review board, including  
24 those not listed in Section 169.003, Occupations Code; and

25 (3) any other research matter approved by the  
26 institution's institutional review board.

27 (b) In applying for a permit, the health-related

1 institution of higher education shall disclose any private sector  
2 organization contractors under Section 481.255 and shall disclose  
3 additional contractors as additional contractors are formed.

4 Sec. 481.255. CONTRACTORS. (a) A health-related  
5 institution of higher education granted a permit under this  
6 subchapter shall be authorized to contract with one or more private  
7 sector organizations to fulfill the terms of the permit, including  
8 contracting for the production and distribution of medical  
9 cannabis.

10 (b) A private sector organization is eligible to contract  
11 with a health-related institution of higher education under this  
12 subchapter if the organization:

13 (1) meets all requirements for a dispensing  
14 organization under Chapter 487, except that the participant is not  
15 required to pay a licensing or application fee;

16 (2) demonstrates capability to provide funding to  
17 support medical cannabis research activities at a health-related  
18 institution of higher education;

19 (3) demonstrates capability to establish and operate a  
20 production and distribution system sufficient to support research  
21 program needs; and

22 (4) is not a dispensing organization licensed under  
23 Chapter 487, owned or controlled by any direct or indirect owner of  
24 a licensed dispensing organization, or otherwise affiliated with a  
25 licensed dispensing organization.

26 (c) The commission shall approve contractors between  
27 health-related institutions of higher education and private sector

1 organizations authorized under this subchapter.

2 Sec. 481.256. PATIENT TREATMENT. (a) Patient treatment  
3 provided as part of an approved research program under this  
4 subchapter may be administered only by a medical practitioner  
5 meeting standards approved by the institution's institutional  
6 review board.

7 (b) A patient participating in a research program under this  
8 subchapter must be a permanent resident of this state.

9 Sec. 481.257. INFORMED CONSENT. (a) Before receiving  
10 treatment under an approved research program, each patient must  
11 sign a written informed consent form.

12 (b) If a patient is a minor or lacks the mental capacity to  
13 provide informed consent, a parent, guardian, or conservator may  
14 provide informed consent on the patient's behalf.

15 (c) The executive commissioner shall adopt a form to be used  
16 for the informed consent required by this section.

17 Sec. 481.258. LICENSURE AS DISPENSING ORGANIZATION. A  
18 private sector organization contracting with a health-related  
19 institution of higher education under this subchapter shall be  
20 eligible for licensure as a dispensing organization under Chapter  
21 487, or any other law that authorizes cultivating, processing, and  
22 dispensing cannabis, on or after the second anniversary of the date  
23 the organization entered into a contract with a health-related  
24 institution of higher education related to a research program  
25 authorized under this subchapter, provided that the organization's  
26 operations comply with applicable state law.

27 SECTION 3. This Act takes effect September 1, 2021.