

By: Reynolds

H.B. No. 1200

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorizing the possession, use, cultivation,
3 distribution, transportation, and delivery of medical cannabis for
4 medical use by qualifying patients with certain debilitating
5 medical conditions and the licensing of dispensing organizations
6 and cannabis testing facilities; authorizing fees.

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

8 ARTICLE 1. AMENDMENTS TO CHAPTER 487, HEALTH AND SAFETY CODE

9 SECTION 1.01. Section 487.001, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 487.001. DEFINITIONS. In this chapter:

12 (1) "Cannabis testing facility" means an independent
13 entity licensed by the department under this chapter to analyze the
14 safety and potency of medical cannabis.

15 (2) "Cardholder" means a qualifying patient or a
16 registered caregiver who is issued a registry identification card.

17 (3) "Debilitating medical condition," "medical
18 cannabis," "medical practitioner," "medical use," and "qualifying
19 patient" have the meanings assigned by Section 169.001, Occupations
20 Code.

21 (4) "Department" means the Department of Public
22 Safety.

23 (5) "Designated caregiver" means a person who:

24 (A) is at least 21 years of age or a parent, legal

1 guardian, or conservator of a qualifying patient; and

2 (B) has significant responsibility for managing
3 the medical care of a qualifying patient listed on the
4 compassionate-use registry.

5 (6) [~~(2)~~] "Director" means the public safety director
6 of the department.

7 (7) [~~(3)~~] "Dispensing organization" means an
8 organization licensed by the department to cultivate, process, and
9 dispense medical [~~low-THC~~] cannabis to a patient for whom medical
10 use [~~low-THC cannabis~~] is recommended [~~prescribed~~] under Chapter
11 169, Occupations Code.

12 (8) "Drug paraphernalia" has the meaning assigned by
13 Section 481.002.

14 (9) "Nonresident cardholder" means a person who is not
15 a resident of this state and who:

16 (A) has been diagnosed with a debilitating
17 medical condition and issued a currently valid registry
18 identification card or the equivalent under the laws of another
19 state, district, territory, commonwealth, insular possession of
20 the United States, or country recognized by the United States, that
21 authorizes medical use by the person in the jurisdiction of
22 issuance; or

23 (B) is the parent, legal guardian, or conservator
24 of a person described by Paragraph (A).

25 (10) "Registered caregiver" means a designated
26 caregiver who has been issued a registry identification card
27 identifying the person as a registered caregiver of a qualifying

1 patient listed on the compassionate-use registry.

2 (11) "Registry identification card" means a document
3 issued by the department that identifies a person as:

4 (A) a qualifying patient listed on the
5 compassionate-use registry; or

6 (B) a registered caregiver of a qualifying
7 patient listed on the compassionate-use registry.

8 (12) "Written certification" means a document
9 produced under Section 169.002, Occupations Code.

10 ~~[(4) "Low-THC cannabis" has the meaning assigned by~~
11 ~~Section 169.001, Occupations Code.]~~

12 SECTION 1.02. Chapter 487, Health and Safety Code, is
13 amended by adding Subchapter A-1 to read as follows:

14 SUBCHAPTER A-1. PROTECTIONS RELATED TO MEDICAL USE OF CANNABIS

15 Sec. 487.021. PROTECTION FROM LEGAL ACTION. (a) This
16 section applies to a person who is:

17 (1) a cardholder;

18 (2) a nonresident cardholder;

19 (3) a dispensing organization;

20 (4) a cannabis testing facility; or

21 (5) a director, manager, or employee of a dispensing
22 organization or of a cannabis testing facility who is registered
23 with the department under Section 487.053.

24 (b) Notwithstanding any other law, a person described by
25 Subsection (a) is not subject to arrest, prosecution, or penalty in
26 any manner, or denial of any right or privilege, including any civil
27 penalty or disciplinary action by a court or occupational or

1 professional licensing board or bureau, for conduct involving
2 medical use that is authorized under this chapter, department rule,
3 or Chapter 169, Occupations Code.

4 Sec. 487.022. NO PRESUMPTION OF CHILD ABUSE, NEGLECT, OR
5 ENDANGERMENT. A person described by Section 487.021(a) may not be
6 presumed to have engaged in conduct constituting child abuse,
7 neglect, or endangerment solely because the person engaged in
8 conduct involving medical use that is authorized under this
9 chapter, department rule, or Chapter 169, Occupations Code.

10 Sec. 487.023. NO DENIAL OF PARENTAL RIGHTS. The fact that a
11 person described by Section 487.021(a) engages in conduct
12 authorized under this chapter, department rule, or Chapter 169,
13 Occupations Code, does not in itself constitute grounds for
14 denying, limiting, or restricting conservatorship or possession of
15 or access to a child under Title 5, Family Code.

16 Sec. 487.024. NO SEIZURE OR FORFEITURE. Property used in
17 the cultivation, distribution, transportation, and delivery of
18 medical cannabis for medical use that is authorized under this
19 chapter, department rule, or Chapter 169, Occupations Code, is not
20 contraband for purposes of Chapter 59, Code of Criminal Procedure,
21 and is not subject to seizure or forfeiture under that chapter or
22 other law solely for the use of the property in those authorized
23 activities.

24 Sec. 487.025. NO PROSECUTION FOR PROVISION OF
25 PARAPHERNALIA. A person is not subject to arrest, prosecution, or
26 the imposition of any sentence or penalty for the delivery,
27 possession with intent to deliver, or manufacture of any item that

1 meets the definition of drug paraphernalia, if that item is
2 delivered, possessed with intent to deliver, or manufactured for
3 the sole purpose of providing that item to a cardholder or
4 nonresident cardholder for medical use under this chapter,
5 department rule, or Chapter 169, Occupations Code.

6 SECTION 1.03. Section 487.052, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 487.052. RULES. (a) The director shall adopt any
9 rules necessary for the administration and enforcement of this
10 chapter.

11 (b) The director shall adopt reasonable [~~, including~~] rules
12 imposing fees under this chapter in amounts sufficient to cover the
13 cost of administering this chapter. Fees collected under a rule
14 adopted under this chapter may be used only for the administration
15 of this chapter.

16 (c) The director shall adopt rules in accordance with
17 Section 487.081 governing the allowable amount of medical cannabis
18 a cardholder or nonresident cardholder may possess for medical use
19 by a qualifying patient.

20 (d) The director by rule shall adopt labeling requirements
21 for medical cannabis.

22 (e) The director shall adopt rules establishing security
23 requirements concerning the cultivation of medical cannabis by a
24 cardholder.

25 (f) The director shall adopt reasonable rules governing
26 access to medical cannabis by nonresident cardholders.

27 SECTION 1.04. The heading to Section 487.053, Health and

1 Safety Code, is amended to read as follows:

2 Sec. 487.053. LICENSING OF DISPENSING ORGANIZATIONS AND
3 CANNABIS TESTING FACILITIES; REGISTRATION OF CERTAIN ASSOCIATED
4 INDIVIDUALS.

5 SECTION 1.05. Section 487.053(a), Health and Safety Code,
6 is amended to read as follows:

7 (a) The department shall:

8 (1) issue or renew a license to operate as:

9 (A) a dispensing organization to each applicant
10 who satisfies the requirements established under this chapter for
11 licensure as a dispensing organization; and

12 (B) a cannabis testing facility to each applicant
13 who satisfies the requirements established under this chapter for
14 licensure as a cannabis testing facility; and

15 (2) register directors, managers, and employees of
16 each:

17 (A) dispensing organization; and

18 (B) cannabis testing facility.

19 SECTION 1.06. Section 487.054, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 487.054. COMPASSIONATE-USE REGISTRY. (a) The
22 department shall establish and maintain a secure online
23 compassionate-use registry that contains:

24 (1) the name of each individual who is issued a
25 registry identification card and each nonresident cardholder who
26 receives medical cannabis from a dispensing organization;

27 (2) the name of each medical practitioner who

1 recommends medical use to a qualifying patient and ~~[physician who~~
2 ~~registers as the prescriber for a patient under Section 169.004,~~
3 ~~Occupations Code,~~] the name and date of birth of that ~~[the]~~
4 ~~patient[, the dosage prescribed, the means of administration~~
5 ~~ordered, and the total amount of low-THC cannabis required to fill~~
6 ~~the patient's prescription]; and~~

7 (3) ~~[-(2)-]~~ a record of each amount of medical ~~[low-THC]~~
8 cannabis dispensed by a dispensing organization to a cardholder or
9 nonresident cardholder ~~[patient under a prescription].~~

10 (b) The department shall ensure the registry:

11 (1) is designed to prevent more than one medical
12 practitioner ~~[qualified physician]~~ from registering as the
13 recommending medical practitioner ~~[prescriber]~~ for a single
14 patient; and

15 (2) is accessible to law enforcement agencies and
16 dispensing organizations for the purpose of verifying whether a
17 person is authorized under this chapter to receive medical cannabis
18 ~~[patient is one for whom low-THC cannabis is prescribed and whether~~
19 ~~the patient's prescriptions have been filled; and~~

20 ~~[-(3)- allows a physician qualified to prescribe low-THC~~
21 ~~cannabis under Section 169.002, Occupations Code, to input safety~~
22 ~~and efficacy data derived from the treatment of patients for whom~~
23 ~~low-THC cannabis is prescribed under Chapter 169, Occupations~~
24 ~~Code].~~

25 SECTION 1.07. Subchapter B, Chapter 487, Health and Safety
26 Code, is amended by adding Sections 487.055 and 487.056 to read as
27 follows:

1 Sec. 487.055. LICENSING AND REGULATION OF CANNABIS TESTING
2 FACILITIES. The director shall adopt all rules necessary for:

3 (1) the licensing and regulation of cannabis testing
4 facilities and the directors, managers, and employees of those
5 facilities;

6 (2) the operation of cannabis testing facilities; and

7 (3) the testing of the safety and potency of medical
8 cannabis.

9 Sec. 487.056. APPLICATION FOR REGISTRY IDENTIFICATION
10 CARD. (a) The director by rule shall adopt an application for a
11 registry identification card:

12 (1) for a qualifying patient; and

13 (2) for a designated caregiver.

14 (b) An applicant for a registry identification card must
15 submit to the department:

16 (1) the application adopted under Subsection (a);

17 (2) a written certification that was issued within the
18 90 days preceding the date of application and that affirms that
19 medical use is recommended for the qualifying patient;

20 (3) the application fee prescribed by department rule;

21 and

22 (4) any other forms developed by the director for
23 submission with the application.

24 (c) The department shall issue a registry identification
25 card to an applicant who is a qualifying patient or the designated
26 caregiver of a qualifying patient not later than the 25th day after
27 the date the application is submitted.

1 SECTION 1.08. Chapter 487, Health and Safety Code, is
2 amended by adding Subchapter B-1 to read as follows:

3 SUBCHAPTER B-1. ALLOWABLE AMOUNT OF MEDICAL CANNABIS AND ACCESS TO
4 MEDICAL CANNABIS

5 Sec. 487.081. ALLOWABLE AMOUNT OF MEDICAL CANNABIS. (a) A
6 cardholder or nonresident cardholder may possess for medical use by
7 the qualifying patient no more than the allowable amount of medical
8 cannabis for that qualifying patient, as provided by this section
9 and department rule.

10 (b) The director by rule shall specify the maximum number of
11 cannabis plants that may be cultivated or possessed for medical use
12 by a qualifying patient, which may not be fewer than six cannabis
13 plants. The amount of medical cannabis, edible products that
14 contain medical cannabis, or products infused with medical cannabis
15 that are produced from the allowable number of cannabis plants may
16 be possessed for medical use by a cardholder or nonresident
17 cardholder on the site where those plants are cultivated,
18 regardless of whether the amount possessed on that site exceeds the
19 quantity otherwise provided as the allowable amount of medical
20 cannabis for the qualifying patient by a rule adopted under this
21 section.

22 (c) The director by rule shall specify the maximum quantity
23 of medical cannabis other than cannabis plants, edible products
24 that contain medical cannabis, or products infused with medical
25 cannabis, that, except as otherwise provided by Subsection (b) or
26 (e), may be possessed by a cardholder or nonresident cardholder for
27 medical use by a qualifying patient, which may not be less than 2.5

1 ounces.

2 (d) The director by rule shall specify the maximum quantity
3 of edible products that contain medical cannabis or products
4 infused with medical cannabis that, except as otherwise provided by
5 Subsection (b) or (e), may be possessed by a cardholder or
6 nonresident cardholder for medical use by a qualifying patient.

7 (e) If a medical practitioner recommends in the qualifying
8 patient's written certification a different amount of medical
9 cannabis than the amount provided by rule adopted under this
10 section, the amount recommended by the written certification is the
11 allowable amount of medical cannabis for that qualifying patient.

12 Sec. 487.082. ACCESS TO MEDICAL CANNABIS BEFORE REGISTRY
13 IDENTIFICATION CARD ISSUED. An applicant for a registry
14 identification card may receive medical cannabis from a dispensing
15 organization before the department issues a registry
16 identification card on providing:

17 (1) proof that the application was submitted to the
18 department and any application fees were paid; and

19 (2) a copy of the applicant's written certification.

20 Sec. 487.083. ACCESS TO MEDICAL CANNABIS BEFORE DECEMBER 1,
21 2023. (a) On or before December 1, 2023, notwithstanding a
22 contrary provision of this chapter, a qualifying patient or a
23 caregiver with significant responsibility for managing the
24 well-being of a qualifying patient may obtain medical cannabis from
25 a dispensing organization on providing:

26 (1) for a qualifying patient, a copy of the qualifying
27 patient's written certification; or

1 (2) for a caregiver of the qualifying patient:

2 (A) a copy of the qualifying patient's written
3 certification; and

4 (B) an affidavit stating:

5 (i) that the caregiver is the qualifying
6 patient's parent or guardian; or

7 (ii) that the caregiver has significant
8 responsibility for managing the well-being of the qualifying
9 patient and that is signed by the qualifying patient or the
10 qualifying patient's parent or guardian, if the qualifying patient
11 is a minor.

12 (b) This section expires December 1, 2023.

13 SECTION 1.09. Section 487.102, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 487.102. ELIGIBILITY FOR LICENSE. An applicant for a
16 license to operate as a dispensing organization is eligible for the
17 license if:

18 (1) as determined by the department, the applicant
19 possesses:

20 (A) the technical and technological ability to
21 cultivate and produce medical [~~low-THC~~] cannabis;

22 (B) the ability to secure:

23 (i) the resources and personnel necessary
24 to operate as a dispensing organization; and

25 (ii) premises reasonably located to allow
26 patients listed on the compassionate-use registry access to the
27 organization through existing infrastructure;

1 (C) the ability to maintain accountability for
2 the raw materials, the finished product, and any by-products used
3 or produced in the cultivation or production of medical [~~low-THC~~]
4 cannabis to prevent unlawful access to or unlawful diversion or
5 possession of those materials, products, or by-products; and

6 (D) the financial ability to maintain operations
7 for not less than two years from the date of application;

8 (2) each director, manager, or employee of the
9 applicant is registered under Subchapter D; and

10 (3) the applicant satisfies any additional criteria
11 determined by the director to be necessary to safely implement this
12 chapter.

13 SECTION 1.10. Subchapter C, Chapter 487, Health and Safety
14 Code, is amended by adding Section 487.1025 to read as follows:

15 Sec. 487.1025. ANNUAL LICENSE FEE. The director shall
16 charge an annual license fee set initially by the director in an
17 amount not to exceed \$5,000. The director shall annually adjust for
18 inflation the annual license fee.

19 SECTION 1.11. Section 487.103, Health and Safety Code, is
20 amended by adding Subsection (a-1) to read as follows:

21 (a-1) The director shall set the application fee charged
22 under Subsection (a) initially in an amount not to exceed \$2,500.
23 The director shall annually adjust for inflation the application
24 fee.

25 SECTION 1.12. Section 487.104(a), Health and Safety Code,
26 is amended to read as follows:

27 (a) The department shall issue or renew a license to operate

1 as a dispensing organization only if:

2 (1) the department determines the applicant meets the
3 eligibility requirements described by Section 487.102; and

4 (2) issuance or renewal of the license is necessary to
5 ensure reasonable statewide access to, and the availability of,
6 medical [~~low-THC~~] cannabis for patients registered in the
7 compassionate-use registry and for whom medical [~~low-THC~~] cannabis
8 is recommended [~~prescribed~~] under Chapter 169, Occupations Code.

9 SECTION 1.13. Section 487.107, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 487.107. DUTIES RELATING TO DISPENSING MEDICAL
12 CANNABIS [~~PRESCRIPTION~~]. (a) Before dispensing medical [~~low-THC~~]
13 cannabis to a person authorized under this chapter to receive
14 medical [~~for whom the low-THC~~] cannabis [~~is prescribed under~~
15 ~~Chapter 169, Occupations Code~~], the dispensing organization must
16 verify that [~~the prescription presented~~]:

17 (1) the person receiving the medical cannabis is [~~for~~]
18 a cardholder [~~person~~] listed [~~as a patient~~] in the
19 compassionate-use registry or a nonresident cardholder;

20 (2) the medical cannabis, including any edible
21 products that contain medical cannabis and any products infused
22 with medical cannabis, has been properly tested and properly
23 labeled in accordance with standards established by the department
24 [~~matches the entry in the compassionate-use registry with respect~~
25 ~~to the total amount of low-THC cannabis required to fill the~~
26 ~~prescription~~]; and

27 (3) the amount of medical cannabis dispensed to the

1 person would not cause the person to possess more than the allowable
2 amount of medical cannabis for the qualifying patient, as
3 determined under Section 487.081 [~~has not previously been filled by~~
4 ~~a dispensing organization as indicated by an entry in the~~
5 ~~compassionate-use registry~~].

6 (b) After dispensing medical [~~low-THC~~] cannabis to a
7 cardholder or nonresident cardholder [~~patient for whom the low-THC~~
8 ~~cannabis is prescribed under Chapter 169, Occupations Code~~], the
9 dispensing organization shall record in the compassionate-use
10 registry the name and address of the individual to whom the medical
11 cannabis is dispensed, the form and quantity of medical [~~low-THC~~]
12 cannabis dispensed, and the date and time of dispensation.

13 SECTION 1.14. Section 487.108(c), Health and Safety Code,
14 is amended to read as follows:

15 (c) After suspending or revoking a license issued under this
16 chapter, the director may seize or place under seal all medical
17 [~~low-THC~~] cannabis and drug paraphernalia owned or possessed by the
18 dispensing organization. If the director orders the revocation of
19 the license, a disposition may not be made of the seized or sealed
20 medical [~~low-THC~~] cannabis or drug paraphernalia until the time for
21 administrative appeal of the order has elapsed or until all appeals
22 have been concluded. When a revocation order becomes final, all
23 medical [~~low-THC~~] cannabis and drug paraphernalia may be forfeited
24 to the state as provided under Subchapter E, Chapter 481.

25 SECTION 1.15. Section 487.151, Health and Safety Code, is
26 amended by adding Subsection (a-1) to read as follows:

27 (a-1) An individual who is a director, manager, or employee

1 of a cannabis testing facility must apply for and obtain a
2 registration under this section.

3 SECTION 1.16. Section 487.201, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 487.201. COUNTIES AND MUNICIPALITIES MAY NOT PROHIBIT
6 MEDICAL [~~LOW-THC~~] CANNABIS. A municipality, county, or other
7 political subdivision may not enact, adopt, or enforce a rule,
8 ordinance, order, resolution, or other regulation that prohibits
9 the cultivation, production, dispensing, or possession of medical
10 [~~low-THC~~] cannabis, as authorized by this chapter.

11 SECTION 1.17. Subchapter F, Chapter 487, Health and Safety
12 Code, is repealed.

13 ARTICLE 2. AMENDMENTS TO CHAPTER 169, OCCUPATIONS CODE

14 SECTION 2.01. The heading to Chapter 169, Occupations Code,
15 is amended to read as follows:

16 CHAPTER 169. AUTHORITY TO RECOMMEND MEDICAL [~~PRESCRIBE LOW-THC~~]
17 CANNABIS TO CERTAIN PATIENTS FOR COMPASSIONATE USE

18 SECTION 2.02. Sections 169.001, 169.0011, 169.002, and
19 169.004, Occupations Code, are amended to read as follows:

20 Sec. 169.001. DEFINITIONS. In this chapter:

- 21 (1) "Debilitating medical condition" means:
22 (A) cancer, glaucoma, positive status for human
23 immunodeficiency virus, acquired immune deficiency syndrome,
24 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,
25 ulcerative colitis, agitation of Alzheimer's disease,
26 post-traumatic stress disorder, autism, sickle cell anemia, severe
27 fibromyalgia, spinal cord disease, spinal cord injury, traumatic

1 brain injury or post-concussion syndrome, chronic traumatic
2 encephalopathy, Parkinson's disease, muscular dystrophy,
3 Huntington's disease, or an incurable neurodegenerative disease;

4 (B) a chronic medical condition that produces, or
5 the treatment of a chronic medical condition that produces:

6 (i) cachexia or wasting syndrome;

7 (ii) severe pain;

8 (iii) severe nausea;

9 (iv) seizures, including those
10 characteristic of epilepsy; or

11 (v) spasticity or severe and persistent
12 muscle spasms, including those characteristic of multiple
13 sclerosis; or

14 (C) any other medical condition approved as a
15 debilitating medical condition by department rule or any symptom
16 caused by the treatment of a medical condition that is approved as a
17 debilitating medical condition by department rule.

18 (2) "Department" means the Department of Public
19 Safety.

20 (3) [~~(1-a)~~] "Incurable neurodegenerative disease"
21 means a disease designated as an incurable neurodegenerative
22 disease by rule of the executive commissioner of the Health and
23 Human Services Commission, adopted in consultation with the
24 National Institutes of Health.

25 (4) "Medical [~~(3)~~ "~~Low-THC~~] cannabis" means the
26 plant Cannabis sativa L., and any part of that plant or any
27 compound, manufacture, salt, derivative, mixture, preparation,

1 resin, or oil of that plant [~~that contains not more than one percent~~
2 ~~by weight of tetrahydrocannabinols~~].

3 (5) "Medical practitioner" means:

4 (A) a licensed physician;

5 (B) an advanced practice registered nurse who has
6 been delegated prescriptive authority in accordance with
7 Subchapter B, Chapter 157; or

8 (C) a physician assistant who has been delegated
9 prescriptive authority in accordance with Subchapter B, Chapter
10 157.

11 (6) [~~(4)~~] "Medical use" means the ingestion [~~by a~~
12 ~~means of administration other than by smoking~~] of medical [~~a~~
13 ~~prescribed amount of low-THC~~] cannabis by a qualifying patient to
14 treat or alleviate the patient's debilitating medical condition
15 [~~person for whom low-THC cannabis is prescribed under this~~
16 ~~chapter~~].

17 (7) "Qualifying patient" means a person who has been
18 diagnosed with a debilitating medical condition by a medical
19 practitioner [~~(5) "Smoking" means burning or igniting a substance~~
20 ~~and inhaling the smoke~~].

21 Sec. 169.0011. PRESCRIPTION FOR MEDICAL USE. A reference
22 in [~~this chapter, Chapter 487, Health and Safety Code, or other~~] law
23 to a prescription for medical use or a prescription for medical
24 [~~low-THC~~] cannabis means an entry in the compassionate-use registry
25 established under Section 487.054, Health and Safety Code.

26 Sec. 169.002. RECOMMENDATION FOR MEDICAL [~~PHYSICIAN~~
27 ~~QUALIFIED TO PRESCRIBE LOW-THC~~] CANNABIS BY MEDICAL PRACTITIONER

1 ~~[TO PATIENTS WITH CERTAIN MEDICAL CONDITIONS]~~. (a) A medical
2 practitioner may recommend medical cannabis to a qualifying patient
3 if the medical practitioner attests through written certification
4 that, in the medical practitioner's professional opinion:

5 (1) the diagnosis of a debilitating medical condition
6 for the qualifying patient is correct;

7 (2) the qualifying patient is likely to receive
8 therapeutic or palliative benefit from the medical use of medical
9 cannabis to treat or alleviate the patient's debilitating medical
10 condition; and

11 (3) the potential benefits to the qualifying patient
12 of medical use outweigh the health risks of medical use.

13 (b) The written certification described by Subsection (a)
14 must:

15 (1) be dated and signed by the medical practitioner;

16 (2) specify the qualifying patient's debilitating
17 medical condition; and

18 (3) affirm that medical use was recommended in the
19 course of a bona fide practitioner-patient relationship between the
20 qualifying patient and the medical practitioner. ~~[Only a~~
21 ~~physician qualified with respect to a patient's particular medical~~
22 ~~condition as provided by this section may prescribe low-THC~~
23 ~~cannabis in accordance with this chapter to treat the applicable~~
24 ~~medical condition.~~

25 ~~[(b) A physician is qualified to prescribe low-THC cannabis~~
26 ~~with respect to a patient's particular medical condition if the~~
27 ~~physician:~~

1 ~~[(1) is licensed under this subtitle;~~

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

6 ~~[(3) dedicates a significant portion of clinical~~
7 ~~practice to the evaluation and treatment of the patient's~~
8 ~~particular medical condition.~~

9 ~~[(c) A physician is qualified to prescribe low-THC cannabis~~
10 ~~for the treatment of a patient with a medical condition approved by~~
11 ~~rule of the executive commissioner of the Health and Human Services~~
12 ~~Commission for treatment in an approved research program conducted~~
13 ~~under Subchapter F, Chapter 487, Health and Safety Code, if the~~
14 ~~physician is:~~

15 ~~[(1) licensed under this subtitle; and~~

16 ~~[(2) certified by a compassionate-use institutional~~
17 ~~review board created under Section 487.253, Health and Safety Code,~~
18 ~~that oversees patient treatment undertaken as part of that approved~~
19 ~~research program.]~~

20 Sec. 169.004. [~~LOW-THC CANNABIS PRESCRIBER~~] REGISTRATION
21 OF RECOMMENDING MEDICAL PRACTITIONERS. (a) Before a medical
22 practitioner [~~physician qualified to prescribe low-THC cannabis~~
23 ~~under Section 169.002~~] may recommend medical use [~~prescribe or~~
24 ~~renew a prescription for low-THC cannabis~~] for a qualifying patient
25 under this chapter, the practitioner [~~physician~~] must register as
26 the recommending medical practitioner [~~prescriber~~] for that
27 patient in the compassionate-use registry maintained by the

1 department under Section [487.054](#), Health and Safety Code. The
2 medical practitioner's [~~physician's~~] registration must indicate:

- 3 (1) the medical practitioner's [~~physician's~~] name; and
- 4 (2) the qualifying patient's name and date of birth[+
5 [~~(3) the dosage prescribed to the patient,~~
6 [~~(4) the means of administration ordered for the~~
7 ~~patient, and~~
8 [~~(5) the total amount of low-THC cannabis required to~~
9 ~~fill the patient's prescription]~~.

10 (b) The department may not publish the name of a medical
11 practitioner [~~physician~~] registered under this section unless
12 permission is expressly granted by the medical practitioner
13 [~~physician~~].

14 SECTION 2.03. Sections [169.003](#) and [169.005](#), Occupations
15 Code, are repealed.

16 ARTICLE 3. CONFORMING AMENDMENTS

17 SECTION 3.01. Section [161.001\(c\)](#), Family Code, as amended
18 by Chapters 8 (H.B. 567) and 29 (H.B. 2536), Acts of the 87th
19 Legislature, Regular Session, 2021, is reenacted and amended to
20 read as follows:

21 (c) Evidence of one or more of the following does not
22 constitute clear and convincing evidence sufficient for a court to
23 make a finding under Subsection (b) and order termination of the
24 parent-child relationship:

- 25 (1) the parent homeschooled the child;
- 26 (2) the parent is economically disadvantaged;
- 27 (3) the parent has been charged with a nonviolent

1 misdemeanor offense other than:

2 (A) an offense under Title 5, Penal Code;

3 (B) an offense under Title 6, Penal Code; or

4 (C) an offense that involves family violence, as
5 defined by Section 71.004 of this code;

6 (4) the parent provided or administered medical
7 [~~low-THC~~] cannabis to a child for whom the medical [~~low-THC~~]
8 cannabis was recommended [~~prescribed~~] under Chapter 169,
9 Occupations Code;

10 (5) the parent declined immunization for the child for
11 reasons of conscience, including a religious belief; [~~or~~]

12 (6) the parent sought an opinion from more than one
13 medical provider relating to the child's medical care, transferred
14 the child's medical care to a new medical provider, or transferred
15 the child to another health care facility; or

16 (7) [~~(6)~~] the parent allowed the child to engage in
17 independent activities that are appropriate and typical for the
18 child's level of maturity, physical condition, developmental
19 abilities, or culture.

20 SECTION 3.02. Section 262.116(a), Family Code, as amended
21 by Chapters 8 (H.B. 567) and 29 (H.B. 2536), Acts of the 87th
22 Legislature, Regular Session, 2021, is reenacted and amended to
23 read as follows:

24 (a) The Department of Family and Protective Services may not
25 take possession of a child under this subchapter based on evidence
26 that the parent:

27 (1) homeschooled the child;

1 (2) is economically disadvantaged;

2 (3) has been charged with a nonviolent misdemeanor
3 offense other than:

4 (A) an offense under Title 5, Penal Code;

5 (B) an offense under Title 6, Penal Code; or

6 (C) an offense that involves family violence, as
7 defined by Section 71.004 of this code;

8 (4) provided or administered medical [~~low-THC~~]
9 cannabis to a child for whom the medical [~~low-THC~~] cannabis was
10 recommended [~~prescribed~~] under Chapter 169, Occupations Code;

11 (5) declined immunization for the child for reasons of
12 conscience, including a religious belief; [~~or~~]

13 (6) sought an opinion from more than one medical
14 provider relating to the child's medical care, transferred the
15 child's medical care to a new medical provider, or transferred the
16 child to another health care facility;

17 (7) [~~(6)~~] allowed the child to engage in independent
18 activities that are appropriate and typical for the child's level
19 of maturity, physical condition, developmental abilities, or
20 culture; or

21 (8) [~~(7)~~] tested positive for marihuana, unless the
22 department has evidence that the parent's use of marihuana has
23 caused significant impairment to the child's physical or mental
24 health or emotional development.

25 SECTION 3.03. Section 443.202(a), Health and Safety Code,
26 is amended to read as follows:

27 (a) This section does not apply to medical [~~low-THC~~]

1 cannabis regulated under Chapter 487.

2 SECTION 3.04. Section 443.2025(a), Health and Safety Code,
3 is amended to read as follows:

4 (a) This section does not apply to medical [~~low-THC~~]
5 cannabis regulated under Chapter 487.

6 SECTION 3.05. Section 481.062(a), Health and Safety Code,
7 is amended to read as follows:

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

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

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

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

23 (4) an officer or employee of this state, another
24 state, a political subdivision of this state or another state, or
25 the United States who is lawfully engaged in the enforcement of a
26 law relating to a controlled substance or drug or to a customs law
27 and authorized to possess the controlled substance in the discharge

1 of the person's official duties;

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

4 (A) a Health and Human Services Commission
5 [~~Department of State Health Services~~] official, a medical school
6 researcher, or a research program participant possessing the
7 substance as authorized under Subchapter G; or

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

12 (6) a person possessing medical cannabis, as defined
13 by Section 169.001, Occupations Code, who is authorized to possess
14 medical cannabis [~~dispensing organization licensed~~] under Chapter
15 487 [~~that possesses low-THC cannabis~~].

16 SECTION 3.06. Sections 481.111(e) and (f), Health and
17 Safety Code, are amended to read as follows:

18 (e) Sections 481.120, 481.121, 481.122, and 481.125 do not
19 apply to a person who engages in the acquisition, possession,
20 production, cultivation, delivery, or disposal of a raw material
21 used in or by-product created by the production or cultivation of
22 medical [~~low-THC~~] cannabis if the person:

23 (1) for an offense involving possession only of
24 marihuana or drug paraphernalia, is a cardholder or nonresident
25 cardholder authorized under Chapter 487 to possess medical cannabis
26 for medical use by a qualifying patient [~~for whom low-THC cannabis~~
27 ~~is prescribed under Chapter 169, Occupations Code, or the patient's~~

1 ~~legal guardian,~~] and the person possesses no more than the
2 allowable amount of medical [~~low-THC~~] cannabis, as determined under
3 Section 487.081 [~~obtained under a valid prescription from a~~
4 ~~dispensing organization~~]; or

5 (2) is a director, manager, or employee of a
6 dispensing organization or cannabis testing facility and the
7 person, solely in performing the person's regular duties at the
8 organization or facility, acquires, possesses, produces,
9 cultivates, dispenses, or disposes of:

10 (A) in reasonable quantities, any medical
11 [~~low-THC~~] cannabis or raw materials used in or by-products created
12 by the production or cultivation of medical [~~low-THC~~] cannabis; or

13 (B) any drug paraphernalia used in the
14 acquisition, possession, production, cultivation, delivery, or
15 disposal of medical [~~low-THC~~] cannabis.

16 (f) For purposes of Subsection (e):

17 (1) "Cannabis testing facility," "cardholder,"
18 "dispensing organization," and "nonresident cardholder" have the
19 meanings [~~"Dispensing organization" has the meaning~~] assigned by
20 Section 487.001.

21 (2) "Medical cannabis," "medical use," and
22 "qualifying patient" have the meanings [~~"Low-THC cannabis" has the~~
23 ~~meaning~~] assigned by Section 169.001, Occupations Code.

24 SECTION 3.07. Section 551.004, Occupations Code, is amended
25 by amending Subsection (a) and adding Subsection (a-1) to read as
26 follows:

27 (a) This subtitle does not apply to:

1 (1) a practitioner licensed by the appropriate state
2 board who supplies a patient of the practitioner with a drug in a
3 manner authorized by state or federal law and who does not operate a
4 pharmacy for the retailing of prescription drugs;

5 (2) a member of the faculty of a college of pharmacy
6 recognized by the board who is a pharmacist and who performs the
7 pharmacist's services only for the benefit of the college;

8 (3) a person who procures prescription drugs for
9 lawful research, teaching, or testing and not for resale;

10 (4) a home and community support services agency that
11 possesses a dangerous drug as authorized by Section 142.0061,
12 142.0062, or 142.0063, Health and Safety Code; or

13 (5) a dispensing organization~~[, as defined by Section~~
14 ~~487.001, Health and Safety Code,]~~ that cultivates, processes, and
15 dispenses medical ~~[low-THC]~~ cannabis, as authorized by Chapter 487,
16 Health and Safety Code, to a cardholder or nonresident cardholder
17 ~~[patient listed in the compassionate-use registry established~~
18 ~~under that chapter].~~

19 (a-1) For purposes of Subsection (a)(5), "cardholder,"
20 "dispensing organization," and "nonresident cardholder" have the
21 meanings assigned by Section 487.001, Health and Safety Code.

22 ARTICLE 4. TRANSITION PROVISIONS; EFFECTIVE DATE

23 SECTION 4.01. Not later than October 1, 2023, the public
24 safety director of the Department of Public Safety shall adopt
25 rules as required to implement, administer, and enforce Chapter
26 487, Health and Safety Code, as amended by this Act, including rules
27 relating to adopting an application for a registry identification

1 card, as required by Section 487.056, Health and Safety Code, as
2 added by this Act.

3 SECTION 4.02. (a) A license to operate as a dispensing
4 organization issued under Chapter 487, Health and Safety Code,
5 before the effective date of this Act continues to be valid after
6 the effective date of this Act until that license expires.

7 (b) The registration of a director, manager, or employee of
8 a dispensing organization under Subchapter D, Chapter 487, Health
9 and Safety Code, continues to be valid after the effective date of
10 this Act until that registration expires.

11 (c) As soon as practicable after the effective date of this
12 Act, the Department of Public Safety shall issue compassionate-use
13 registry cards to all individuals listed on that registry on the
14 effective date of this Act.

15 SECTION 4.03. To the extent of any conflict, this Act
16 prevails over another Act of the 88th Legislature, Regular Session,
17 2023, relating to nonsubstantive additions to and corrections in
18 enacted codes.

19 SECTION 4.04. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2023.