

By: Klick

H.B. No. 1805

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the medical use of low-THC cannabis by patients with
3 certain medical conditions.

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

5 SECTION 1. Section 169.001(3), Occupations Code, is amended
6 to read as follows:

7 (3) "Low-THC cannabis" means the plant *Cannabis sativa*
8 L., and any part of that plant or any compound, manufacture, salt,
9 derivative, mixture, preparation, resin, or oil of that plant that
10 contains not more than five [~~one~~] percent by weight of
11 tetrahydrocannabinols.

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

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

17 (1) the patient is a permanent resident of the state;
18 (2) the physician complies with the registration
19 requirements of Section 169.004; and

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

21 (A) the patient is diagnosed with:

22 (i) epilepsy;

23 (ii) a seizure disorder;

24 (iii) multiple sclerosis;

- 1 (iv) spasticity;
- 2 (v) amyotrophic lateral sclerosis;
- 3 (vi) autism;
- 4 (vii) cancer;
- 5 (viii) an incurable neurodegenerative
- 6 disease;
- 7 (ix) post-traumatic stress disorder; ~~[or]~~
- 8 (x) a condition that causes chronic pain,
- 9 for which a physician would otherwise prescribe an opioid;
- 10 (xi) a medical condition that is approved
- 11 for a research program under Subchapter F, Chapter 487, Health and
- 12 Safety Code, and for which the patient is receiving treatment under
- 13 that program; or
- 14 (xii) a debilitating medical condition
- 15 designated by the Department of State Health Services under
- 16 Subsection (b); and

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

20 (b) The Department of State Health Services by rule may
21 designate debilitating medical conditions for which a physician may
22 prescribe low-THC cannabis under this section.

23 SECTION 3. This Act takes effect September 1, 2023.