

By: Lucio, III

H.B. No. 2107

Substitute the following for __.B. No. _____:

By: _____

C.S. __.B. No. _____

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 patients with certain debilitating medical
5 conditions and the licensing of dispensing organizations and
6 cannabis testing facilities; authorizing fees.

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

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

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

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

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

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

1 (4) an officer or employee of this state, another
2 state, a political subdivision of this state or another state, or
3 the United States who is lawfully engaged in the enforcement of a
4 law relating to a controlled substance or drug or to a customs law
5 and authorized to possess the controlled substance in the discharge
6 of the person's official duties;

7 (5) if the substance is tetrahydrocannabinol or one of
8 its derivatives:

9 (A) a Department of State Health Services
10 official, a medical school researcher, or a research program
11 participant possessing the substance as authorized under
12 Subchapter G; or

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

17 (6) a dispensing organization or cannabis testing
18 facility licensed under Subchapter C, Chapter 487, that possesses
19 medical [~~low-THC~~] cannabis.

20 SECTION 2. Sections 481.111(e) and (f), Health and Safety
21 Code, are amended to read as follows:

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

27 (1) for an offense involving possession only of

1 marihuana or drug paraphernalia, is a patient for whom medical use
2 [~~low-THC cannabis~~] is recommended [~~prescribed~~] under Chapter 169,
3 Occupations Code, [~~or the patient's legal guardian,~~] and the person
4 possesses no more than the allowable amount of medical [~~low-THC~~]
5 cannabis, as determined under Section 487.002 [~~obtained under a~~
6 ~~valid prescription from a dispensing organization~~]; or

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

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

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

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

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

22 (2) "Medical cannabis" and "medical use" have the
23 meanings [~~"Low-THC cannabis" has the meaning~~] assigned by Section
24 169.001, Occupations Code.

25 SECTION 3. Section 487.001, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 487.001. DEFINITIONS. In this chapter:

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

4 (2) "Debilitating medical condition," "medical
5 cannabis," and "medical use" have the meanings assigned by Section
6 169.001, Occupations Code.

7 (3) "Department" means the Department of Public
8 Safety.

9 (4) ~~[(2)]~~ "Director" means the public safety director
10 of the department.

11 (5) ~~[(3)]~~ "Dispensing organization" means an
12 organization licensed by the department to cultivate, process, and
13 dispense medical ~~[low-THC]~~ cannabis to a patient for whom medical
14 use ~~[low-THC cannabis]~~ is recommended ~~[prescribed]~~ under Chapter
15 169, Occupations Code.

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

18 SECTION 4. Subchapter A, Chapter 487, Health and Safety
19 Code, is amended by adding Section 487.002 to read as follows:

20 Sec. 487.002. ALLOWABLE AMOUNT OF MEDICAL CANNABIS. (a)
21 The allowable amount of medical cannabis for a person for whom
22 medical use is recommended under Chapter 169, Occupations Code, is:

23 (1) not more than 2.5 ounces of medical cannabis;

24 (2) if applicable, a greater amount specified in
25 accordance with department rules by a recommending physician under
26 Chapter 169, Occupations Code, and included with the patient's
27 registration on the compassionate-use registry established under

1 Section 487.054; or

2 (3) an amount of oils or products infused with medical
3 cannabis such that the quantity of tetrahydrocannabinols and
4 cannabidiol in the oil or product does not exceed the quantity of
5 those substances contained in the amount of medical cannabis under
6 Subdivision (1) or (2), as applicable.

7 (b) Oils and products infused with medical cannabis must be
8 labeled in accordance with department rules to indicate the
9 quantity of tetrahydrocannabinols and cannabidiol contained in the
10 oil or product for purposes of determining compliance with this
11 section.

12 SECTION 5. Section 487.052, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 487.052. RULES. (a) The director shall adopt any
15 rules necessary for the administration and enforcement of this
16 chapter.

17 (b) The director shall adopt [~~including~~] rules imposing
18 fees under this chapter in amounts sufficient to cover the cost of
19 administering this chapter.

20 (c) The director shall adopt rules in accordance with
21 Section 487.002 governing the allowable amount of medical cannabis
22 a physician may recommend for a patient for whom medical use is
23 recommended under Chapter 169, Occupations Code.

24 (d) The director by rule shall adopt labeling requirements
25 for medical cannabis. In adopting labeling requirements, the
26 director shall ensure each oil and product infused with medical
27 cannabis is labeled with the quantity of tetrahydrocannabinols and

1 cannabidiol contained in the oil or product.

2 SECTION 6. The heading to Section 487.053, Health and
3 Safety Code, is amended to read as follows:

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

7 SECTION 7. Section 487.053(a), Health and Safety Code, is
8 amended to read as follows:

9 (a) The department shall:

10 (1) issue or renew a license under Subchapter C to
11 operate as:

12 (A) a dispensing organization to each applicant
13 who satisfies the requirements established under this chapter for
14 licensure as a dispensing organization; and

15 (B) a cannabis testing facility to each applicant
16 who satisfies the requirements established under this chapter for
17 licensure as a cannabis testing facility; and

18 (2) register directors, managers, and employees under
19 Subchapter D of each:

20 (A) dispensing organization; and

21 (B) cannabis testing facility.

22 SECTION 8. Section 487.054, Health and Safety Code, is
23 amended to read as follows:

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

27 (1) the name of each physician who registers as the

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

6 (2) if applicable, the allowable amount of cannabis
7 specified by a recommending physician for the patient under Chapter
8 169, Occupations Code [~~a record of each amount of low-THC cannabis~~
9 ~~dispensed by a dispensing organization to a patient under a~~
10 ~~prescription~~].

11 (b) The department shall ensure the registry:

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

15 (2) is accessible to law enforcement agencies and
16 dispensing organizations for the purpose of verifying whether a
17 patient is one for whom medical use is recommended under Chapter
18 169, Occupations Code [~~low-THC cannabis is prescribed and whether~~
19 ~~the patient's prescriptions have been filled~~]; and

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

26 SECTION 9. The heading to Subchapter C, Chapter 487, Health
27 and Safety Code, is amended to read as follows:

1 SUBCHAPTER C. LICENSING OF [~~LICENSE TO OPERATE AS~~] DISPENSING
2 ORGANIZATIONS AND CANNABIS TESTING FACILITIES [~~ORGANIZATION~~]

3 SECTION 10. Section 487.101, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 487.101. LICENSE REQUIRED. A person may not operate as
6 a dispensing organization or a cannabis testing facility without
7 the appropriate license issued by the department under this
8 subchapter [~~chapter is required to operate a dispensing~~
9 ~~organization~~].

10 SECTION 11. Section 487.102, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 487.102. ELIGIBILITY FOR LICENSE TO OPERATE AS
13 DISPENSING ORGANIZATION. An applicant for a license to operate as a
14 dispensing organization is eligible for the license if:

15 (1) as determined by the department, the applicant
16 possesses:

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

19 (B) the ability to secure:

20 (i) the resources and personnel necessary
21 to operate as a dispensing organization; and

22 (ii) premises reasonably located to allow
23 patients listed on the compassionate-use registry access to the
24 organization through existing infrastructure;

25 (C) the ability to maintain accountability for
26 the raw materials, the finished product, and any by-products used
27 or produced in the cultivation or production of medical [~~low-THC~~]

1 cannabis to prevent unlawful access to or unlawful diversion or
2 possession of those materials, products, or by-products; and

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

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

7 (3) the applicant satisfies any additional criteria
8 determined by the director to be necessary to safely implement this
9 chapter.

10 SECTION 12. Subchapter C, Chapter 487, Health and Safety
11 Code, is amended by adding Section 487.1021 to read as follows:

12 Sec. 487.1021. ELIGIBILITY FOR LICENSE TO OPERATE AS
13 CANNABIS TESTING FACILITY. An applicant for a license to operate as
14 a cannabis testing facility is eligible for the license if:

15 (1) as determined by the department, the applicant
16 possesses:

17 (A) the ability to secure the resources and
18 personnel necessary to operate as a cannabis testing facility; and

19 (B) the financial ability to maintain operations
20 for not less than two years from the date of application;

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

23 (3) the applicant satisfies any additional criteria
24 determined by the director to be necessary for the operation of a
25 cannabis testing facility.

26 SECTION 13. Section 487.103(a), Health and Safety Code, is
27 amended to read as follows:

1 (a) A person may apply for an initial or renewal license
2 under this subchapter [~~to operate as a dispensing organization~~] by
3 submitting a form prescribed by the department along with the
4 application fee in an amount set by the director.

5 SECTION 14. Section 487.104(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The department shall issue or renew a license under this
8 subchapter [~~to operate as a dispensing organization~~] only if:

9 (1) the department determines the applicant meets the
10 eligibility requirements described by Section 487.102 or 487.1021,
11 as applicable; and

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

17 SECTION 15. Sections 487.105(a) and (b), Health and Safety
18 Code, are amended to read as follows:

19 (a) An applicant for the issuance or renewal of a license
20 under this subchapter [~~to operate as a dispensing organization~~]
21 shall provide the department with the applicant's name and the name
22 of each of the applicant's directors, managers, and employees.

23 (b) Before a license holder under this subchapter
24 [~~dispensing organization licensee~~] hires a manager or employee for
25 the organization or facility, the license holder [~~licensee~~] must
26 provide the department with the name of the prospective manager or
27 employee. The license holder [~~licensee~~] may not transfer the

1 license to another person before that prospective applicant and the
2 applicant's directors, managers, and employees pass a criminal
3 history background check and are registered as required by
4 Subchapter D.

5 SECTION 16. Sections 487.106 and 487.107, Health and Safety
6 Code, are amended to read as follows:

7 Sec. 487.106. DUTY TO MAINTAIN ELIGIBILITY. Each license
8 holder under this subchapter [~~A dispensing organization~~] must
9 maintain compliance at all times with the eligibility requirements
10 described by Section 487.102 or 487.1021, as applicable.

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

17 [~~(1) is for a~~] person is listed as a patient in the
18 compassionate-use registry[+]

19 [~~(2) matches the entry in the compassionate-use~~
20 ~~registry with respect to the total amount of low-THC cannabis~~
21 ~~required to fill the prescription; and~~

22 [~~(3) has not previously been filled by a dispensing~~
23 ~~organization as indicated by an entry in the compassionate-use~~
24 ~~registry~~].

25 (b) After dispensing medical [~~low-THC~~] cannabis to a
26 patient for whom medical use is recommended [~~the low-THC cannabis~~
27 ~~is prescribed~~] under Chapter 169, Occupations Code, the dispensing

1 organization shall record in the compassionate-use registry the
2 form and quantity of the medical [~~low-THC~~] cannabis dispensed and
3 the date and time of dispensation.

4 SECTION 17. Sections 487.108(a), (b), and (c), Health and
5 Safety Code, are amended to read as follows:

6 (a) The department may at any time suspend or revoke a
7 license issued under this subchapter [~~chapter~~] if the department
8 determines that the license holder [~~licensee~~] has not maintained
9 the eligibility requirements described by Section 487.102 or
10 487.1021, as applicable, or has failed to comply with a duty imposed
11 under this chapter.

12 (b) The director shall give written notice to the license
13 holder [~~dispensing organization~~] of a license suspension or
14 revocation under this section and the grounds for the suspension or
15 revocation. The notice must be sent by certified mail, return
16 receipt requested.

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

1 SECTION 18. Section 487.151, Health and Safety Code, is
2 amended by adding Subsection (a-1) to read as follows:

3 (a-1) An individual who is a director, manager, or employee
4 of a cannabis testing facility must apply for and obtain a
5 registration under this section.

6 SECTION 19. Section 487.201, Health and Safety Code, is
7 amended to read as follows:

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

14 SECTION 20. Chapter 169, Occupations Code, is amended to
15 read as follows:

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

18 Sec. 169.001. DEFINITIONS. In this chapter:

19 (1) "Debilitating medical condition" means:

20 (A) cancer, glaucoma, positive status for human
21 immunodeficiency virus, acquired immune deficiency syndrome,
22 amyotrophic lateral sclerosis, Crohn's disease, ulcerative
23 colitis, agitation of Alzheimer's disease, post-traumatic stress
24 disorder, autism, sickle cell anemia, Parkinson's disease,
25 muscular dystrophy, or Huntington's disease;

26 (B) a chronic medical condition that produces, or
27 the treatment of a chronic medical condition that produces:

1 (i) cachexia or wasting syndrome;
2 (ii) severe debilitating pain;
3 (iii) severe nausea;
4 (iv) seizures, including those
5 characteristic of epilepsy; or
6 (v) severe and persistent muscle spasms,
7 including those characteristic of multiple sclerosis; or
8 (C) any other medical condition approved as a
9 debilitating medical condition by department rule or any symptom
10 caused by the treatment of a medical condition that is approved as a
11 debilitating medical condition by department rule.

12 (2) "Department" means the Department of Public
13 Safety.

14 ~~[(2) "Intractable epilepsy" means a seizure disorder in~~
15 ~~which the patient's seizures have been treated by two or more~~
16 ~~appropriately chosen and maximally titrated antiepileptic drugs~~
17 ~~that have failed to control the seizures.]~~

18 (3) Medical ~~["Low-THC]~~ cannabis" means the plant
19 Cannabis sativa L., and any part of that plant or any compound,
20 manufacture, salt, derivative, mixture, preparation, resin, or oil
21 of that plant ~~[that contains:~~

22 ~~[(A) not more than 0.5 percent by weight of~~
23 ~~tetrahydrocannabinols; and~~

24 ~~[(B) not less than 10 percent by weight of~~
25 ~~cannabidiol].~~

26 (4) "Medical use" means the ingestion by a means of
27 administration other than by smoking of a recommended ~~[prescribed]~~

1 amount of medical [~~low-THC~~] cannabis by a person for whom medical
2 use [~~low-THC cannabis~~] is recommended [~~prescribed~~] under this
3 chapter.

4 (5) "Smoking" means burning or igniting a substance
5 and inhaling the smoke.

6 Sec. 169.002. RECOMMENDATION OF MEDICAL USE [~~PHYSICIAN~~
7 ~~QUALIFIED TO PRESCRIBE LOW-THC CANNABIS~~]. (a) A [~~Only a~~] physician
8 [~~qualified as provided by this section~~] may recommend medical use
9 [~~prescribe low-THC cannabis~~] in accordance with this chapter for a
10 patient with a debilitating medical condition.

11 (b) [~~A physician is qualified to prescribe low-THC cannabis~~
12 ~~to a patient with intractable epilepsy if the physician:~~

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

14 [~~(2) dedicates a significant portion of clinical~~
15 ~~practice to the evaluation and treatment of epilepsy; and~~

16 [~~(3) is certified:~~

17 [~~(A) by the American Board of Psychiatry and~~
18 ~~Neurology in:~~

19 [~~(i) epilepsy; or~~

20 [~~(ii) neurology or neurology with special~~
21 ~~qualification in child neurology and is otherwise qualified for the~~
22 ~~examination for certification in epilepsy; or~~

23 [~~(B) in neurophysiology by:~~

24 [~~(i) the American Board of Psychiatry and~~
25 ~~Neurology; or~~

26 [~~(ii) the American Board of Clinical~~
27 ~~Neurophysiology.~~

1 ~~[Sec. 169.003. PRESCRIPTION OF LOW-THC CANNABIS.]~~ A

2 physician who recommends medical use for a patient must ~~[described~~
3 ~~by Section 169.002 may prescribe low-THC cannabis to alleviate a~~
4 ~~patient's seizures if]:~~

5 (1) comply ~~[the patient is a permanent resident of the~~
6 ~~state,~~

7 ~~[(2) the physician complies]~~ with the registration
8 requirements of Section 169.004; and

9 (2) certify ~~[(3) the physician certifies]~~ to the
10 department that:

11 (A) the patient is diagnosed with a debilitating
12 medical condition ~~[intractable epilepsy]; and~~

13 (B) the physician has determined that
14 ~~[determines]~~ the risk of ~~[the]~~ medical use ~~[of low-THC cannabis]~~ by
15 the patient is reasonable in light of the potential benefit for the
16 patient~~[, and~~

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

21 Sec. 169.004. RECOMMENDING PHYSICIAN ~~[LOW-THC CANNABIS~~
22 ~~PRESCRIBER]~~ REGISTRATION. Before a physician ~~[qualified to~~
23 ~~prescribe low-THC cannabis under Section 169.002]~~ may recommend
24 medical use ~~[prescribe or renew a prescription for low-THC~~
25 ~~cannabis]~~ for a patient under this chapter, the physician must
26 register as the recommending physician ~~[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 physician's registration must indicate:

- 3 (1) the physician's name;
- 4 (2) the patient's name and date of birth; and
- 5 (3) the allowable [~~dosage prescribed to the patient,~~
- 6 [~~(4) the means of administration ordered for the~~
- 7 ~~patient, and~~
- 8 [~~(5) the total~~] amount of medical [~~low-THC~~] cannabis
- 9 recommended for the patient, if the physician recommends an
- 10 allowable amount greater than the amount provided by Section
- 11 487.002(a)(1), Health and Safety Code [~~required to fill the~~
- 12 ~~patient's prescription~~].

13 Sec. 169.005. PATIENT TREATMENT PLAN. A physician
14 [~~described by Section 169.002~~] who recommends medical use
15 [~~prescribes low-THC cannabis~~] for a patient [~~patient's medical use~~]
16 under this chapter must maintain a patient treatment plan that
17 indicates:

- 18 (1) [~~the dosage, means of administration, and planned~~
- 19 ~~duration of treatment for the low-THC cannabis,~~
- 20 [~~(2)~~] a plan for monitoring the patient's symptoms;
- 21 and
- 22 (2) [~~(3)~~] a plan for monitoring indicators of
- 23 tolerance or reaction to medical [~~low-THC~~] cannabis.

24 SECTION 21. 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 a license
16 issued under Subchapter (C), Chapter 487, Health and Safety Code,
17 to a patient listed in the compassionate-use registry established
18 under that chapter; or

19 (6) a cannabis testing facility that analyzes the
20 safety and potency of medical cannabis, as authorized by a license
21 issued under Subchapter C, Chapter 487, Health and Safety Code.

22 (a-1) For purposes of Subsections (a)(5) and (b), "cannabis
23 testing facility" and "dispensing organization" have the meanings
24 assigned by Section 487.001, Health and Safety Code.

25 SECTION 22. Not later than October 1, 2017, the public
26 safety director of the Department of Public Safety shall adopt
27 rules as required to implement, administer, and enforce Chapter

1 487, Health and Safety Code, as amended by this Act.

2 SECTION 23. (a) A license to operate as a dispensing
3 organization issued under Chapter 487, Health and Safety Code,
4 before the effective date of this Act continues to be valid after
5 the effective date of this Act until that license expires.

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

10 (c) Not later than March 1, 2018, the Department of Public
11 Safety shall begin licensing cannabis testing facilities in
12 accordance with Subchapter C, Chapter 487, Health and Safety Code,
13 as amended by this Act, provided that the applicants for a license
14 have met all requirements for approval under that subchapter.

15 SECTION 24. This Act takes effect immediately if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for immediate
19 effect, this Act takes effect September 1, 2017.