

By: Naishtat

H.B. No. 164

A BILL TO BE ENTITLED

AN ACT

relating to the medical use of marihuana.

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

SECTION 1. Section 481.121, Health and Safety Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) It is an affirmative defense to prosecution under Subsection (a) that the person possessed the marihuana as a patient of a physician licensed to practice medicine in this state pursuant to the recommendation of that physician for the amelioration of the symptoms or effects of a bona fide medical condition.

(d) An agency, including a law enforcement agency, of this state or a political subdivision of this state may not initiate an administrative, civil, or criminal investigation into a physician licensed to practice medicine in this state on the ground that the physician discussed marihuana as a treatment option with a patient of the physician or made a written or oral statement that, in the physician's opinion, the potential benefits of marihuana would likely outweigh the health risks for a particular patient.

SECTION 2. Subchapter B, Chapter 164, Occupations Code, is amended by adding Section 164.0525 to read as follows:

Sec. 164.0525. MEDICAL USE OF MARIHUANA. A physician may not be denied any right or privilege or be subject to any disciplinary action solely for making a written or oral statement that, in the physician's professional opinion, the potential

1 benefits of marihuana would likely outweigh the health risks for a  
2 particular patient.

3 SECTION 3. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 covered by the law in effect when the offense was committed, and the  
7 former law is continued in effect for that purpose. For purposes of  
8 this section, an offense was committed before the effective date of  
9 this Act if any element of the offense was committed before that  
10 date.

11 SECTION 4. This Act takes effect September 1, 2009.