



For issue of: PI Working ACK

Proposed Rulemaking Action

Agency Code: 0201

Title 37: Public Safety and Corrections

Part 1: Texas Department of Public Safety

Chapter: 12. Compassionate-Use/Low-THC Cannabis Program

Subchapter: E. Compassionate-Use Registry

Division:

TAC Section Number(s): §12.41 and §12.42

___ New ___ X ___ Amendment ___ Repeal

Does this filing have adoption by reference material associated with it? ___ Yes ___ X ___ No

Common preamble: ___ Yes ___ X ___ No

File Name: CH12SubE

Graphics Included? ___ Yes ___ X ___ No

Graphics File Name:
(Place name of graphics file in the comment section.)

Verification/Certification

I verify that I have reviewed the submitted document and that it conforms to all applicable Texas Register filing requirements. The submitted document has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Agency Liaison: Duncan R. Fox or Susan Estringel

Certifying Official: D. Phillip Adkins

Title: General Counsel

Signature:

Date of Verification:

Phone Number for public inquires about submission: (512) 424-5848

The Texas Department of Public Safety (the department) proposes amendments to §12.41 and §12.42, concerning Compassionate-Use Registry. The amendments to §12.41, concerning Access to Compassionate-Use Registry, is intended to clarify the purposes for which dispensing organizations and law enforcement agencies may request access to the Compassionate-Use Registry. The amendments to §12.42, Verification of Patient Registration, is intended to clarify that it is the patient's prescription and not the registration that is to be verified, and to clarify the information to be verified.

Suzy Whittenton, Chief Financial Officer, has determined that for each year of the first five-year period these rules are in effect there will be no fiscal implications for state or local government, or local economies.

Ms. Whittenton has also determined that there will be no adverse economic effect on small businesses or micro-businesses required to comply with the rules as proposed. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. There is no anticipated negative impact on local employment.

In addition, Ms. Whittenton has also determined that for each year of the first five-year period the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be greater clarity and consistency with statute.

The department has determined that this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule that the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

Comments on this proposal may be submitted to Steve Moninger, Regulatory Services Division, Department of Public Safety, P.O. Box 4087, MSC-0240, Austin, Texas 78773-0246, or by email at <https://www.dps.texas.gov/rsd/contact/default.aspx>. Select "Compassionate Use Program". Comments must be received no later than thirty (30) days from the date of publication of this proposal.

These rules are proposed pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Health and Safety Code, §487.052, which requires the department adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487.

Texas Government Code, §411.004(3) and Texas Health and Safety Code, §487.052 are affected by this proposal.

<rule>

§12.41. Access to Compassionate-Use Registry.

(a) Qualified physicians registered as prescribers of low-THC cannabis under Texas Occupations Code, Chapter 169 may access the Compassionate-Use Registry using the department's secure web portal.

(b) Dispensing organizations and law enforcement agencies may request access to the Compassionate-Use Registry for purposes [the purpose] of the Act and this chapter, including verifying whether a patient is one for whom low-THC cannabis is prescribed and whether the patient's prescriptions have been filled.

§12.42. Verification of Patient Prescription [Registration].

(a) Before dispensing any low-THC cannabis to a registered patient or the patient's legal guardian, the dispensing organization must verify the identity of the patient or guardian, verify the guardian's status, if applicable, and otherwise comply with the requirements of §487.107 of the Act [confirm the patient has an active registration, the order has been entered in the registry by the physician, and the order has not already been dispensed].

(b) Upon dispensing the low-THC cannabis, the [The] dispensing organization shall immediately enter [a dispensing action] into the registry the form and quantity of low-THC cannabis dispensed, the amount charged for the low-THC cannabis dispensed, and the date and time of dispensation [immediately upon dispensing the low-THC cannabis to the registered patient or the patient's legal guardian].