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**Compassionate Use Program**

[Laws & Regulations](#)

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## Compassionate Use Program



The **Texas Compassionate Use Act (Senate Bill 339)** was signed by Gov. Greg Abbott on June 1, 2015, and goes into effect immediately.

DPS is charged with creating a registry of physicians who treat epilepsy and patients who meet certain criteria including having been diagnosed with intractable epilepsy. DPS is also charged with licensing at least three dispensing organizations no later than Sept. 1, 2017 that will cultivate, process and dispense low-THC cannabis to prescribed patients.

The **Compassionate Use Program Proposed Administrative Rules** have been submitted to the **Texas Register** for publication. These proposals will appear in the Sept. 18, 2015, issue and the comment period will expire Oct. 19, 2015.

SB 339 is different from low-THC cannabis legislation filed in other states by not limiting the number of licensed distributors. SB 339 provides a market-based system by which the number and location of licensees are determined by market factors rather than by regulation. For this reason, DPS' administrative rules differ from those of other states, particularly as to the application requirements. Because there is no statutory limitation on the number of potential licensees, the state is not involved in competitively evaluating the applicants. While the applicants must satisfy certain basic requirements prior to licensure, the ability to maintain its business in compliance with department guidelines will be evaluated through on-going audits and inspections.

SB 339 also differs from the legislation of other states in not differentiating the authorized functions of the licensee. In other words, the holder of a dispensing organization license may perform any one or all of the regulated functions: cultivate, process or dispense. In conjunction with the absence of limitation on the number of licensees, this creates the potential for a diverse market consisting of various organizations of various sizes. The role of DPS, and of its administrative rules, is to provide the background regulation necessary to ensure the safety of the public and the patients while facilitating in the most efficient manner the provision of low-THC cannabis to those in need.

### Current Milestones:

1. Proposed administrative rules were approved by the Public Safety Commission (PSC) on Aug. 27, 2015, and have been submitted to the **Texas Register** for publication. These proposals will appear in the Sept. 18, 2015, issue and the comment period will expire Oct. 19, 2015.

2. By Dec. 1, 2015, DPS will adopt rules as required to implement, administer and enforce Texas Health & Safety Code, Chapter 487, including rules to establish the compassionate-use registry.
3. By Sept. 1, 2017, DPS will license at least three dispensing organizations in accordance with Texas Health & Safety Code §487.053.

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