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House Bill 46: Improving the Compassionate Use Program

Chairman Ken King's House Bill 46 aims to improve the Texas Compassionate Use Program (TCUP). The bill defines the allowable amount of THC in terms of milligrams (rather than % by weight) and allows the use of cannabis patches, lotions, and suppositories as well as approved inhalers, nebulizers, and vaping devices.

To ensure adequate patient access, HB 46 instructs the Department of Public Safety (DPS) to issue 11 dispensing licenses, which must be located strategically within Texas' 11 public health regions. The bill also allows dispensing organizations to open approved satellite locations.



These proposed improvements respond directly to the significant barriers to care identified in DPS's 2024 Compassionate Use Program Analysis, which concluded: **"The current program does not meet either the access or availability standard statewide."**

Current Policy

TCUP was established in 2015. The Department of Public Safety (DPS) regulates and administers the program with a secure online registry of qualified physicians who prescribe cannabis to patients. The Legislature expanded the program in 2019 and 2021, providing access for those with certain medical conditions.

Qualifying Conditions: PTSD, autism, cancer, epilepsy, seizure disorders, multiple sclerosis, spasticity, amyotrophic lateral sclerosis, incurable neurodegenerative disorders like Alzheimer's and Parkinson's, or medical conditions approved for research by the commissioner of the Department of State Health Services.

Sadly, patient access is limited to this short list of qualifying conditions, and only three dispensaries serve the entire state. **As of 2024, Texas has over 107,000 patients enrolled in the program since its inception, yet only about 21,000 remain active—just 20%—reflecting real gaps in access and availability.**

House Bill 46: Policy Overview and Recommendations

Patient Access

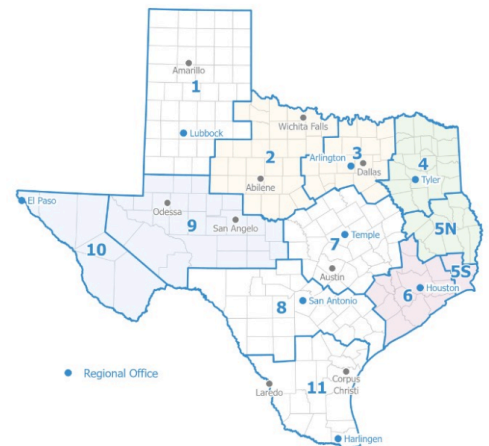
- **Prescription Limits:** Patients would be prescribed a 90-day supply of medication. Total THC would be limited to 20mg per dose and 1.2g per package.
- **Product Availability:** Allows the use of cannabis patches, lotions, and suppositories and approved inhalers, nebulizers, and vaping devices.

★ Policy Recommendation: While we support this bill and its efforts to improve TCUP, the proposal should also include **additional qualifying conditions so more patients have access to the program.** Ideally, doctors would decide if a patient can benefit from medical cannabis.

At minimum, **patients suffering from severe pain should have the opportunity to use cannabis** as an alternative to dangerous and addictive opioids.

Business Licensing

- **Satellite Locations:** With DPS approval, licensed dispensing organizations could open one or more satellite locations in addition to their primary location.
- **Limited Licenses:** DPS would be required to issue 11 licenses.
- **Regional Access:** New or renewed licenses would be issued strategically to ensure adequate patient access in each of Texas' 11 public health regions.
- **Active Licenses:** Dispensing organizations would be required to begin operations within 24 months of receiving their license and must maintain production to retain their license.



★ Policy Recommendations: In the spirit of free enterprise, there should be **no statutory cap on the number of dispensing licenses** that may be issued. Current business licensing fees are exorbitant - \$488,000 initially and \$315,000/annually. **Licensing fees should be set more reasonably.**

**Improve *and Expand* the Texas Compassionate Use Program.
Support HB 46!**



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