



Issue	Possible Points		
PATIENT RIGHTS & CIVIL PROTECTION (total)	100	38	
Arrest protection	40	20	
Affirmative defense	15	9	
Child custody	10	0	
DUID protections	5	0	
Employment	5	0	
Explicit privacy standards.....	7	4	
Housing protections	5	0	
Does not create new criminal penalties for patients	5	5	
Organ transplants	5	0	
Reciprocity	3	0	
EASE OF NAVIGATION (total).....	100	47	
Comprehensive qualifying conditions.....	50	20	
Adding new conditions (total).....	10	0	
Law/Regs allow for new conditions	5	0	
System works for adding new conditions.....	5	0	
Reasonable access for minors.....	10	6	
Reasonable caregiver background check requirements..	4	4	
Number of caregivers	2	1	
Patient/Practitioner focused task force/advisory Board ..	2	0	
Reasonable fees (patients & caregivers).....	10	10	
Allows multiple-year registrations	2	0	
Reasonable physician requirements.....	5	2	
Does not classify cannabis as medicine of last resort.....	5	4	
ACCESS TO MEDICINE (total)	100	23	
Allows distribution programs (total).....	40	4	
Allows access to dried flowers.....	15	0	
Allows delivery	5	0	
No sales tax or reasonable sales tax.....	5	0	
Reasonable number of dispensing facilities	5	2	
Does not require vertical integration	2	0	
Ownership/Employment restrictions	2	0	
Provisions for labor standards	2	0	
Environmental impact regulations	2	0	
Unrestricted choice of dispensary	2	2	
Non-commercial cultivation (total)	20	0	
Personal cultivation.....	15	0	
Collective gardens	5	0	
Explicit right to edibles/concentrates/other forms	10	6	
Does not impose limits or bans on THC	10	1	
Does not impose minimum CBD requirements.....	10	5	
Municipal bans/zoning	10	7	
FUNCTIONALITY (total).....	100	40	
Patients are able to obtain medicine	50	20	
Free of significant administrative or supply problems..	15	5	
Legal protections within reasonable time frame	10	0	
Reasonable possession limit (ounces)	5	5	
Reasonable purchase limits.....	5	5	
Allows patients to medicate where they chose	5	3	
Covered by insurance/state health aide	3	0	
Financial hardship (fee waivers/discount medicine).....	7	2	
PRODUCT SAFETY (total - see back for details).....	100	43	
Dispensing	25	13	
Cultivation	25	15	
Manufacturing	25	12	
Lab	25	3	
Improvement Bonus.....		25	
Total out of 500.....		216	
Score percentage		43	

Final Grade = F

Areas for improvement: Texas joined Florida in adopting one of the few CBD-focused laws that actually includes in-state production and dispensing. Unfortunately, the Texas law has substantial flaws that will hinder patient access. By using the term “prescription” instead of “recommendation,” it may be impossible for physicians to incorporate the program into their practice, thereby denying patients access. Even if this problem is overcome, the low number of production and dispensing organizations will all but ensure shortages of medicine and difficulty obtaining it. In addition to fixing these problems, the state must add civil discrimination protections for housing, employment, organ transplants, and child custody, expand the list of qualifying conditions, and remove arbitrary limits on THC.

Background: In June of 2015 Gov. Abbot signed SB 399, The Texas Compassionate Use Act. This law allows access to some patients to “low-THC cannabis.” Unlike many other “CBD Laws” this act also allows for “dispensing organizations” to cultivate, process and distribute this medical cannabis. Another significant difference between Texas and others states’ medical cannabis laws is that SB 399 establishes a sort of parallel prescription system in which registered physicians record such information as patient dosage and amounts. This “prescription” would be taken to a dispensing organization to be filled.

PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue	Possible Points		
DISPENSING (total)	25	13	
Dispensary training	5	0	
Operating Procedures and Protocols.....	5	3	
Facility sanitary conditions	Y or N	N	
Storage protocols	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Inventory control	Y or N	Y	
Recall protocol and adverse event reporting	5	5	
Product Labeling	5	3	
Product contents including source material ID	Y or N	Y	
Allergens	Y or N	N	
Potency/compound identification	Y or N	Y	
Required Testing	5	2	
Active ingredient identification	Y or N	N	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
Shelf life testing	Y or N	N	
Sample retention	Y or N	Y	
Recall protocol and adverse event reporting:	5	5	
CULTIVATION (total).....	25	15	
Cultivation training.....	5	0	
Standard Operating Procedures and Protocols	5	3	
Facility and equipment sanitary conditions	Y or N	N	
Workforce safety protocols	Y or N	N	
Storage protocols (short and long term)	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Batch and lot tracking	Y or N	Y	
Disposal/waste	Y or N	Y	
Water management	Y or N	N	
Pesticide Guidance and Protocols	5	3	
Pesticide guidance.....	Y or N	Y	
Product labeling	Y or N	0	
Required testing	5	4	
Active ingredient identification	Y or N	N	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
Sample retention	Y or N	Y	
Recall protocol and adverse event reporting.....	5	5	
MANUFACTURING (total).....	25	12	
Manufacturing training	5	0	
Standard Operating Procedures and Protocols.....	5	2	
Facility and equipment sanitary conditions	Y or N	N	
Workforce safety protocols	Y or N	N	
Storage protocols	Y or N	Y	
Reasonable security protocols	Y or N	Y	
Batch and lot tracking	Y or N	Y	
Product Labeling	5	3	
Product contents with source material ID	Y or N	Y	
Allergens	Y or N	N	
Potency/compound identification	Y or N	Y	
Required Testing	5	2	
Active ingredient identification	Y or N	N	
Contaminants	Y or N	Y	
Potency	Y or N	Y	
Shelf life testing	Y or N	N	
Sample retention	Y or N	Y	
Recall protocol and adverse event reporting:	5	5	
LABORATORY (total).....	25	3	
Lab operations training.....	5	0	
Method validation in accordance with AHP guidelines	5	0	
Result reporting - disclose the type of testing used.....	5	0	
Independent or third party certification	5	0	
Standard Operating Procedures and Protocols	5	3	
Equipment and instrument calibration	Y or N	N	
Sample tracking	Y or N	Y	
Facility and equipment sanitary conditions	Y or N	N	
Disposal/waste protocols	Y or N	Y	
Storage protocols	Y or N	Y	
Workforce safety protocols	Y or N	N	
Total out of 100			43

Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at http://www.safeaccessnow.org/policy_shop, information for regulators available at <http://patientfocusedcertification.org/about/information-for-regulators/> and a breakdown of all the state laws at http://www.safeaccessnow.org/state_and_federal_law.