
DIGEST

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HB 579 Reengrossed

2018 Regular Session

James

Abstract: Provides relative to the conditions for which medical marijuana may be recommended or prescribed.

Recommendation of Medical Marijuana

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to recommend tetrahydrocannabinols (commonly referred to as "medical marijuana"), or chemical derivatives thereof, for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Defines "debilitating medical condition" to mean cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis.

Proposed law adds the following to the set of conditions for which medical marijuana may be recommended:

- (1) Glaucoma.
- (2) Severe muscle spasms.
- (3) Intractable pain.
- (4) Post-traumatic stress disorder.
- (5) Parkinson's disease.

Proposed law defines "intractable pain" as a pain state in which the cause of the pain cannot be removed or otherwise treated with the consent of the patient and which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts. Provides further that intractable pain is pain so chronic and severe as to otherwise warrant an opiate prescription.

Proposed law provides that any member of the public may petition the La. State Board of Medical Examiners for the addition of serious medical conditions and medical marijuana treatment options.

Present law requires the La. Board of Pharmacy to develop an annual, nontransferable specialty

license for a pharmacy to dispense recommended marijuana for therapeutic use. Provides that the number of such licenses shall be no more than ten. Proposed law retains present law and authorizes pharmacists licensed pursuant to present law to dispense medical marijuana to patients, their caregivers, and minor patients' domiciliary parents.

Proposed law prohibits licensed marijuana dispensing pharmacies from dispensing raw or crude marijuana to a patient or their parent or caregiver.

Proposed law stipulates that employers and their worker's compensation insurers shall not be obliged or ordered to pay for recommended medical marijuana in claims arising under present law relative to worker's compensation.

Prescription of Medical Marijuana

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed. Defines "debilitating medical condition" to mean cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis.

Proposed law revises present law to authorize physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe marijuana or marijuana preparations for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Adds the following to the set of conditions for which medical marijuana may be prescribed:

- (1) Glaucoma.
- (2) Severe muscle spasms.
- (3) Intractable pain.
- (4) Post-traumatic stress disorder.

Proposed law defines "intractable pain" as a pain state in which the cause of the pain cannot be removed or otherwise treated with the consent of the patient and which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts. Provides further that intractable pain is pain so chronic and severe as to otherwise warrant an opiate prescription.

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Proposed law prohibits licensed marijuana dispensing pharmacies from dispensing raw or crude marijuana to a patient or their parent or caregiver.

Proposed law stipulates that employers and their worker's compensation insurers shall not be obliged or ordered to pay for recommended medical marijuana in claims arising under present law relative to worker's compensation.

(Amends R.S. 40:1046(A), (G), and (J) and R.S. 40:1046(A), (G), (J) and as amended and reenacted by §2 of Act No. 96 of the 2016 R.S.; Adds R.S. 40:1046(K) and R.S. 40:1046(K) of §2 of Act No. 96 of the 2016 R.S.)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise proposed law defining "marijuana preparations" to provide that such preparations can be any form authorized by and consistent with the rules adopted by the La. Board of Pharmacy.
2. Amend present law relative to prescription of medical marijuana to reflect amendments proposed law makes in present law relative to recommendation of medical marijuana.
3. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Restore present law authorizing physicians to recommend or prescribe marijuana for therapeutic use in any form as permitted by rules and regulations of the La. Board of Pharmacy except for inhalation, and except for raw or crude marijuana.
2. Delete proposed law referring to marijuana preparations, marijuana paraphernalia, and vaporization of marijuana.
3. Add Parkinson's disease to the set of conditions for which medical marijuana may be recommended.
4. Stipulate that employers and their worker's compensation insurers shall not be obliged

or ordered to pay for recommended or prescribed medical marijuana in claims arising under present law relative to worker's compensation.

5. Make technical changes.