

2019 Regular Session

HOUSE BILL NO. 358

BY REPRESENTATIVE JAMES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DRUGS/CONTROLLED: Provides relative to marijuana for therapeutic use

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AN ACT

To amend and reenact R.S. 40:1046(A)(1), (3), (4), and (H)(1)(a) and to repeal R.S. 40:1046(A)(2)(d), (e), and (5) and Sections 2 and 4 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana, relative to marijuana for therapeutic use, known also as medical marijuana; to provide relative to the authorization for physicians to recommend medical marijuana to a patient; to provide for the forms of medical marijuana which a physician may recommend; to provide relative to administrative rules for medical marijuana production; to repeal laws that refer to the prescribing of medical marijuana; to repeal laws that are contingent upon federal approval of marijuana for medical use; to repeal a requirement that the Louisiana State Board of Medical Examiners report to the legislature concerning potential additions to the list of diseases or conditions qualifying a patient for treatment with medical marijuana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(A)(1), (3), (4), and (H)(1)(a) are hereby amended and reenacted to read as follows:

1 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;
2 Louisiana Board of Pharmacy and the adoption of rules and regulations
3 relating to the dispensing of recommended marijuana for therapeutic use; the
4 Department of Agriculture and Forestry and the licensure of a production
5 facility

6 A.(1) Notwithstanding any other provision of this Part, a physician licensed
7 by and in good standing with the Louisiana State Board of Medical Examiners to
8 practice medicine in this state ~~and who is domiciled in this state~~ may recommend,
9 in any form as permitted by the rules and regulations of the Louisiana Board of
10 Pharmacy except for ~~inhalation, and~~ raw or crude marijuana, tetrahydrocannabinols;
11 or a chemical derivative of tetrahydrocannabinols for therapeutic use by ~~patients~~ any
12 patient clinically diagnosed as suffering from a debilitating medical condition.

13 * * *

14 (3) For purposes of this Part, "recommend" or "recommended" means an
15 order from a physician ~~domiciled in Louisiana and~~ licensed by and in good standing
16 with the Louisiana State Board of Medical Examiners and authorized by the board
17 to recommend medical marijuana that is patient-specific and disease-specific in
18 accordance with Paragraph (2) of this Subsection, and is communicated by any
19 means allowed by the Louisiana Board of Pharmacy to a Louisiana-licensed
20 pharmacist in a Louisiana-permitted dispensing pharmacy as described in Subsection
21 G of this Section, and is preserved on file as required by Louisiana law or federal law
22 regarding medical marijuana.

23 (4) ~~Physicians~~ A physician licensed to practice medicine in Louisiana may
24 recommend medical marijuana to any patient suffering from a debilitating medical
25 condition with whom he shares a bona fide doctor-patient relationship and shall
26 recommend use of medical marijuana for treatment of debilitating medical
27 conditions in accordance with rules and regulations promulgated by the Louisiana
28 State Board of Medical Examiners.

29 * * *

1 H.(1)(a) The Department of Agriculture and Forestry shall develop the rules
2 and regulations regarding the extraction, processing, and production of
3 recommended therapeutic marijuana and the facility producing therapeutic
4 marijuana. The rules and regulations shall ~~include but not be limited to both of the~~
5 ~~following minimum standards:~~

6 ~~(i) In order to mitigate the risk of bacterial contamination, food-grade~~
7 ~~ethanol extraction shall be used.~~

8 ~~(ii) The~~ require as a minimum standard that the extraction and refining
9 process shall produce a product that is ~~food-safe~~ food-safe and capable of producing
10 pharmaceutical-grade products.

11 * * *

12 Section 2. R.S. 40:1046(A)(2)(d), (e), and (5) and Sections 2 and 4 of Act No. 96 of
13 the 2016 Regular Session of the Legislature of Louisiana are hereby repealed in their
14 entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 358 Original 2019 Regular Session James

Abstract: Revises laws relative to the authorization for physicians to recommend medical marijuana to certain patients and to the forms and production of medical marijuana.

Present law authorizes physicians who are domiciled in this state and licensed by and in good standing with the La. State Board of Medical Examiners to recommend medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Defines "debilitating medical condition" to mean cancer, glaucoma, Parkinson's disease, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, severe muscle spasms, intractable pain, Crohn's disease, muscular dystrophy, multiple sclerosis, post traumatic stress disorder, and certain conditions associated with autism spectrum disorder. Proposed law deletes the requirement that the physician be domiciled in this state; otherwise, retains present law.

Present law authorizes physicians with the necessary qualifications to recommend medical marijuana in any form as permitted by the rules and regulations of the La. Board of Pharmacy except for inhalation and raw or crude marijuana. Proposed law deletes the prohibition on medical marijuana in inhalation form; otherwise, retains present law.

Present law provides that physicians shall recommend use of medical marijuana for treatment of debilitating medical conditions in accordance with rules and regulations of the La. State Board of Medical Examiners. Proposed law retains present law and adds provisions authorizing a physician to recommend medical marijuana to any patient suffering from a debilitating medical condition with whom he shares a bona fide doctor-patient relationship.

Proposed law deletes all of the following provisions of present law:

- (1) Provisions that refer to the prescribing of medical marijuana.
- (2) Provisions that are contingent upon the reclassification of marijuana within federal controlled substances schedules by the U.S. Drug Enforcement Administration.
- (3) Provisions that are contingent upon approval of marijuana for medical use by the U.S. Food and Drug Administration.
- (4) Provisions requiring that food-grade ethanol extraction be used in the production of medical marijuana.
- (5) Provisions requiring the La. State Board of Medical Examiners to submit to the legislative committees on health and welfare an annual report as to any additional diseases or medical conditions that should be added to the list of debilitating medical conditions established in present law.

(Amends R.S. 40:1046(A)(1), (3), (4), and (H)(1)(a); Repeals R.S. 40:1046(A)(2)(d), (e), and (5) and §§2 and 4 of Act No. 96 of the 2016 R.S.)