

2019 Regular Session

SENATE RESOLUTION NO. 255

BY SENATOR BARROW

HEALTH CARE. Requests the Louisiana Department of Health, Louisiana State Board of Medical Examiners, and Louisiana Board of Pharmacy to study and make recommendations relative to certain provisions of Louisiana law on medical marijuana.

1 A RESOLUTION

2 To urge and request the Louisiana Department of Health, Louisiana State Board of Medical  
3 Examiners, and Louisiana Board of Pharmacy to study and make recommendations  
4 relative to certain provisions of Louisiana law on medical marijuana.

5 WHEREAS, the Legislature of Louisiana authorized the recommendation of medical  
6 marijuana for therapeutic use in limited dosing forms for individuals with debilitating  
7 medical conditions; and

8 WHEREAS, during the past several legislative sessions, Louisiana law on therapeutic  
9 use of marijuana has continuously evolved to include additional disease states, including  
10 autism spectrum disorder; and

11 WHEREAS, in addition to autism spectrum disorder, the law provides for fifteen  
12 additional identified debilitating medical conditions that are eligible for treatment with  
13 medical marijuana; and

14 WHEREAS, the law includes a requirement that a physician recommending medical  
15 marijuana for treatment of autism spectrum disorder must consult with a pediatric  
16 subspecialist if the patient is under the age of eighteen; and

17 WHEREAS, other than autism spectrum disorder, there is no provision in the law  
18 that requires pediatric subspecialist consultation when recommending medical marijuana for

1 children; and

2 WHEREAS, while many studies are ongoing with the state legalization of medical  
3 marijuana in thirty-three states and the District of Columbia, there is currently a lack of  
4 clinically proven scientific evidence on the affects medical marijuana has on children; and

5 WHEREAS, while the legislature has supported giving pediatric patients options to  
6 relieve their debilitating conditions, consideration should be given to this unique population  
7 to ensure that medical marijuana use does not have unintended consequences; and

8 WHEREAS, the recommendation of medical marijuana is and has always been  
9 considered a personal decision to be discussed between the patient and his physician who  
10 is engaged in the overall treatment of the patient; and

11 WHEREAS, the Louisiana State Board of Medical Examiners (LSBME) regulates  
12 physicians, including the imposition of specific training and certification, to lawfully  
13 recommend medical marijuana in Louisiana; and

14 WHEREAS, current LSBME provisions promulgated by the board include a hundred  
15 patient maximum for physicians recommending medical marijuana; and

16 WHEREAS, LSBME has issued a notice of intent in accordance with the  
17 Administrative Procedure Act to repeal current patient limit provisions and impose no limit  
18 on the number of patients to which a physician may recommend medical marijuana; and

19 WHEREAS, even though medical marijuana is not currently available, several  
20 physicians have developed business models based entirely on providing access to medical  
21 marijuana; and

22 WHEREAS, in general, LSBME regulates the practice of medicine; however, if the  
23 physician is practicing pain management, then he must also be licensed by the Louisiana  
24 Department of Health as a pain management clinic; and

25 WHEREAS, a pain management clinic is a facility which primarily engages in the  
26 treatment of pain by prescribing narcotic medication, that has been defined in rule to mean  
27 a facility in which, during the course of any day the clinic is in operation, fifty-one percent  
28 or more of the patients seen are issued a narcotic prescription for the treatment of chronic  
29 nonmalignant pain; and

30 WHEREAS, as medical marijuana becomes available to patients, the regulatory

1 bodies authorized to govern implementation of the program shall assess implementation of  
2 any propose any laws, rules, or regulations warranted to protect children and to protect the  
3 public from any unintended adverse consequences.

4 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana  
5 does hereby request the Louisiana Department of Health, the Louisiana State Board of  
6 Medical Examiners, and the Louisiana Board of Pharmacy to study and make  
7 recommendations relative to certain provisions of Louisiana law on medical marijuana.

8 BE IT FURTHER RESOLVED that the study shall include specific  
9 recommendations on the following:

10 (1) Requirement for subspecialty consultation for pediatric patients with any  
11 debilitating medical condition, not just autism spectrum disorder, prior to recommending  
12 medical marijuana.

13 (2) Requirement for specific state licensure for a facility in which, on any day the  
14 clinic is in operation, fifty-one percent or more of patients seen are issued a medical  
15 marijuana recommendation.

16 (3) Any other patient protections that may be necessary due to the mood-altering  
17 nature of medical marijuana and as a result of this being a cash-based industry.

18 BE IT FURTHER RESOLVED that in conducting this study, external subject matter  
19 experts from Louisiana and other states may be called upon to provide input.

20 BE IT FURTHER RESOLVED that a report of recommendations shall be submitted  
21 to the Senate of the Legislature of Louisiana on or before February 1, 2020. However,  
22 conducting this study shall not be construed as a limit on rulemaking authority vested in the  
23 Louisiana Department of Health, the Louisiana State Board of Medical Examiners, and the  
24 Louisiana Board of Pharmacy to address any matters related to medical marijuana that shall  
25 be required during the study period.

26 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
27 secretary of the Louisiana Department of Health, the executive director of the Louisiana  
28 State Board of Medical Examiners, and the executive director of the Louisiana Board of  
29 Pharmacy.

