

2021 Regular Session

HOUSE RESOLUTION NO. 113

BY REPRESENTATIVE MARINO

MEDICAL MARIJUANA: Creates a special commission to study and make recommendations concerning medical marijuana laws and regulations

1 A RESOLUTION

2 To create a special legislative commission to study the laws and regulations of this state
3 pertaining to cultivation, extraction, pharmaceutical and therapeutic use, distribution,
4 and researching of marijuana; to evaluate and identify best practices and regulatory
5 improvements to effectuate the recent legislative expansion of Louisiana's medical
6 marijuana program; and to report findings and recommendations concerning these
7 matters to the Speaker of the House of Representatives of the Legislature of
8 Louisiana.

9 WHEREAS, though medical marijuana did not become available to patients in
10 Louisiana until 2019, the therapeutic use of marijuana in this state was originally authorized
11 through Act No. 725 of the 1978 Regular Session of the legislature; and

12 WHEREAS, the legislature subsequently enacted Act No. 874 of the 1991 Regular
13 Session and Act No. 261 of the 2015 Regular Session, the Alison Neustrom Act, in efforts
14 to facilitate access by patients to medical marijuana; and

15 WHEREAS, the 2015 legislation established the Louisiana Board of Pharmacy as the
16 regulatory authority for the dispensing of recommended marijuana for therapeutic use for
17 treating conditions such as glaucoma, cancer, and spastic quadriplegia; and

18 WHEREAS, this legislation also established the Louisiana Department of Agriculture
19 and Forestry as the regulatory authority for the cultivation and production of medical
20 marijuana; and

1 WHEREAS, in 2018, the legislature enacted several laws expanding the statutorily
2 provided list of conditions qualifying patients for treatment with medical marijuana, adding
3 post-traumatic stress disorder, autism, and chronic pain as qualifying conditions; and

4 WHEREAS, Act No. 286 of the 2020 Regular Session dramatically expanded the
5 authorization for use of medical marijuana by adding to the statutory list of qualifying
6 conditions Alzheimer's disease, amyotrophic lateral sclerosis, Huntington's disease, Lewy
7 body dementia, motor neuron disease, Parkinson's disease, spinal muscular atrophy,
8 traumatic brain injury, concussion, chronic pain associated with fibromyalgia, chronic pain
9 associated with sickle cell disease, and, most significantly, any condition not otherwise
10 specified in the state's medical marijuana law, R.S. 40:1046, that a physician, in his medical
11 opinion, considers debilitating to an individual patient and is qualified through his medical
12 education and training to treat; and

13 WHEREAS, over the past several years, the set of authorized forms of medical
14 marijuana in this state has also been expanded to include metered dose inhalers, oils,
15 extracts, tinctures, sprays, capsules, pills, solutions, suspension, gelatin-based chewables,
16 lotions, transdermal patches, and suppositories; and

17 WHEREAS, as of the date of filing of this Resolution, a bill is pending in the
18 legislature to repeal the prohibition on therapeutic use of marijuana in raw or crude form and
19 thereby permit a smokeable form of medical marijuana; this bill, House Bill No. 391 of the
20 2021 Regular Session, achieved final passage in the House with over a two-thirds majority
21 in this chamber voting yea on the measure; and

22 WHEREAS, with the significant expansion of permitted uses, access to physician
23 recommendations, and methods of delivery of medical marijuana for patients, a careful
24 review and study by policymakers of the laws and regulations on cultivation, production, and
25 distribution of medical marijuana could lead to improved patient access and enhanced
26 opportunities for public and private research and development institutions to study and
27 improve this treatment; and

28 WHEREAS, such a study effort could also identify means by which public and
29 private institutions in Louisiana such as universities, health systems, bioscience centers,
30 research and development entities, political subdivisions, and economic development

1 organizations can meaningfully participate in research and development related to
2 therapeutic marijuana, thereby resulting in new investments and jobs in this state.

3 THEREFORE, BE IT RESOLVED that the House of Representatives of the
4 Legislature of Louisiana does hereby create a special legislative commission to study the
5 laws and regulations of this state pertaining to cultivation, extraction, pharmaceutical and
6 therapeutic use, distribution, and researching of marijuana.

7 BE IT FURTHER RESOLVED that the special commission shall be composed of
8 the following members:

9 (1) The chairman of the House Committee on Agriculture, Forestry, Aquaculture,
10 and Rural Development.

11 (2) One member of the House Committee on Agriculture, Forestry, Aquaculture, and
12 Rural Development appointed by the speaker of the House of Representatives.

13 (3) Two members of the House Committee on Health and Welfare appointed by the
14 speaker of the House of Representatives.

15 (4) Two members of the House Committee on Administration of Criminal Justice
16 appointed by the speaker of the House of Representatives.

17 (5) The speaker of the House of Representatives or his designee.

18 BE IT FURTHER RESOLVED that the special commission shall do all of the
19 following:

20 (1) Determine whether the current regulatory structure of this state allows for
21 patients to timely receive physician-recommended medical marijuana in a manner that is
22 consistent with best medical care and practice.

23 (2) Produce estimates of patient care needs based on the expansion of Louisiana's
24 medical marijuana program over the past six years and identify regulations that require
25 reform as a result of this expansion.

26 (3) Evaluate whether issues with availability of marijuana for therapeutic use have
27 occurred over the prior one-year period and determine if any regulatory reforms can address
28 those issues and ensure that medical marijuana will be available on a reliable basis.

1 (4) Evaluate Louisiana's current cost structure for medical marijuana compared to
2 that of other markets and evaluate whether any regulatory reform can decrease the cost of
3 medical marijuana to Louisiana patients.

4 (5) Identify best practices, economic models, and analogous state programs to
5 determine whether regulatory reforms are necessary with respect to the number of
6 cultivators, extractors, pharmacies, and dispensers.

7 (6) Identify whether regulatory reforms could assist in encouraging investment by
8 public and private entities such as universities, health systems, bioscience centers, research
9 and development entities, political subdivisions, and economic development organizations
10 in research and development of therapeutic marijuana.

11 (7) Recommend any necessary reforms in policies and regulations to be
12 implemented by the Louisiana Board of Pharmacy, the Louisiana Department of Agriculture
13 and Forestry, and any other state agency, board, or commission to advance patient care and
14 to promote research and development of medical marijuana.

15 BE IT FURTHER RESOLVED that the Louisiana Department of Health, Louisiana
16 Department of Agriculture and Forestry, Louisiana Board of Pharmacy, Department of
17 Economic Development, Louisiana Department of Revenue, and legislative auditor shall
18 provide any necessary support to carry out the purposes of this Resolution.

19 BE IT FURTHER RESOLVED that the special commission shall convene no later
20 than September 1, 2021, and shall report its findings and recommendations to the Speaker
21 of the House no later than February 1, 2022.

22 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
23 secretary of the Louisiana Department of Health, the commissioner of agriculture, the
24 executive director of the Louisiana Board of Pharmacy, the secretary of the Department of
25 Economic Development, the secretary of the Louisiana Department of Revenue, and the
26 legislative auditor.

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)]

HR 113 Original

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Marino

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