

2022 Regular Session

HOUSE BILL NO. 135

BY REPRESENTATIVE MARINO

MEDICAL MARIJUANA: Authorizes dispensing of medical marijuana to certain qualifying patients who are not Louisiana residents

1 AN ACT

2 To enact R.S. 40:1046.1, relative to dispensing of medical marijuana; to provide relative to  
3 pharmacies licensed by the Louisiana Board of Pharmacy to dispense medical  
4 marijuana, known commonly as marijuana pharmacies; to authorize dispensing of  
5 medical marijuana to certain persons who are not Louisiana residents or are short-  
6 term residents of this state; to establish qualifications necessary for such persons to  
7 receive medical marijuana in this state; to establish duties of marijuana pharmacies  
8 with respect to such dispensing; to prohibit the dispensing of medical marijuana in  
9 certain instances; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1046.1 is hereby enacted to read as follows:

12 §1046.1. Dispensing of marijuana for therapeutic use to visiting qualifying patients

13 A. As used in this Section, the following terms have the meaning ascribed  
14 in this Subsection:

15 (1) "Board" means the Louisiana Board of Pharmacy.

16 (2) "Debilitating medical condition" has the meaning ascribed in R.S.  
17 40:1046(A)(2)(a).

18 (3) "Marijuana pharmacy" means a pharmacy that holds a specialty license  
19 to dispense medical marijuana issued pursuant to R.S. 40:1046(G).

1           (4) "Medical marijuana" means marijuana for therapeutic use produced  
2           pursuant to the provisions of R.S. 40:1046(H).

3           (5) "Prescription monitoring program" means the electronic system for the  
4           monitoring of controlled substances and drugs of concern established in R.S.  
5           40:1004.

6           (6) "Visiting qualifying patient" means a patient with a debilitating medical  
7           condition who is not a resident of Louisiana or who has been a resident of Louisiana  
8           for less than thirty days and who is in actual possession of a valid medical marijuana  
9           registry identification card, or its equivalent, which has been issued under the  
10           medical marijuana laws of another state, district, territory, commonwealth, or insular  
11           possession of the United States.

12           B. A visiting qualifying patient may obtain medical marijuana from a  
13           marijuana pharmacy upon producing evidence of his valid medical marijuana  
14           registry identification card, or its equivalent, which has been issued under the  
15           medical marijuana laws of another state, district, territory, commonwealth, or insular  
16           possession of the United States.

17           C.(1) A marijuana pharmacy shall require each visiting qualifying patient to  
18           certify on a form approved by the board that he has been diagnosed by a licensed  
19           physician with one or more debilitating medical conditions. The form shall include  
20           the full name, address, and phone number of the visiting qualifying patient and shall  
21           include a statement to be signed by the patient by which he shall attest that he will  
22           not divert to any person any medical marijuana dispensed to him by the marijuana  
23           pharmacy.

24           (2)(a) A marijuana pharmacy shall retain a copy of each of the following  
25           documents received from a visiting qualifying patient:

26           (i) The patient's valid medical marijuana registry identification card or its  
27           equivalent.

28           (ii) The patient's valid driver's license or other government-issued photo  
29           identification document.

1           (iii) The original, completed, and signed form provided for in Paragraph (1)  
2           of this Subsection.

3           (b) The board shall promulgate in accordance with the Administrative  
4           Procedure Act a record retention schedule for marijuana pharmacies which applies  
5           to the documents identified in this Paragraph.

6           D. Prior to dispensing any medical marijuana product to a visiting qualifying  
7           patient, a dispensing pharmacist at a marijuana pharmacy shall review the patient's  
8           records in the prescription monitoring program. The pharmacist shall resolve any  
9           concerns identified in the review of the patient's prescription monitoring program  
10          records by consultation with the patient's physician.

11          E.(1) Upon dispensing any medical marijuana product to a visiting  
12          qualifying patient, the dispensing pharmacist at a marijuana pharmacy shall report  
13          that transaction to the prescription monitoring program in conformance with program  
14          rules governing dispensing of controlled substances to Louisiana-resident patients  
15          and as required by any rules of the board that apply to marijuana pharmacies.

16          (2) The dispensing pharmacist at a marijuana pharmacy shall perform a  
17          prospective drug utilization review for each visiting qualifying patient and shall  
18          counsel each such patient every time medical marijuana is dispensed to the patient  
19          in conformance with rules of the board governing dispensing of controlled  
20          substances to Louisiana-resident patients and in compliance with applicable rules of  
21          the board on drug utilization review and patient counseling.

22          F. No marijuana pharmacy shall dispense medical marijuana to a person who  
23          holds himself out to be a visiting qualifying patient if the dispensing pharmacist at  
24          the pharmacy determines any of the following with respect to that person:

25                 (1) The person's medical marijuana registry identification card was revoked,  
26                 has expired, or is otherwise not valid and current.

27                 (2) The person's medical marijuana registry identification card was  
28                 fraudulently obtained.

1                   (3) The person's application or written certifications were falsified in any  
 2                   way.

3                   (4) The person knowingly violated any law of this state applicable to medical  
 4                   marijuana.

#### 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 135 Engrossed

2022 Regular Session

Marino

**Abstract:** Authorizes dispensing of medical marijuana by Louisiana-licensed marijuana pharmacies to certain qualifying patients who are not Louisiana residents.

Proposed law defines "visiting qualifying patient", for purposes of proposed law, as a patient with a debilitating medical condition who is not a resident of La. or who has been a resident of this state for less than 30 days and who is in actual possession of a valid medical marijuana registry identification card, or its equivalent, issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the U.S.

Proposed law authorizes a visiting qualifying patient to obtain medical marijuana from a Louisiana-licensed marijuana pharmacy upon producing evidence of his valid medical marijuana registry identification card, or its equivalent, issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the U.S.

Proposed law requires marijuana pharmacies to have each visiting qualifying patient certify, on a form approved by the La. Board of Pharmacy (board), that he has been diagnosed by a licensed physician with one or more conditions that meet the definition of "debilitating medical condition" in present law relative to medical marijuana. Requires that the patient also attest on the form that he will not divert to any person any medical marijuana dispensed to him by the marijuana pharmacy.

Proposed law requires marijuana pharmacies to retain a copy of each of the following documents received from a visiting qualifying patient:

- (1) The patient's valid medical marijuana registry identification card or its equivalent.
- (2) The patient's valid driver's license or other government-issued photo identification document.
- (3) The original, completed, and signed certification and attestation form required by proposed law.

Proposed law requires that prior to dispensing any medical marijuana product to a visiting qualifying patient, a dispensing pharmacist at a marijuana pharmacy shall review the patient's records in the state prescription monitoring program (PMP) provided for in present law. Requires that the pharmacist resolve any concerns identified in the review of the patient's PMP records by consultation with the patient's physician.

Proposed law provides that upon dispensing any medical marijuana product to a visiting qualifying patient, the dispensing pharmacist at a marijuana pharmacy shall report that transaction to the PMP in conformance with program rules governing dispensing of

controlled substances and as required by any rules of the board that apply to marijuana pharmacies.

Proposed law requires dispensing pharmacists at marijuana pharmacies to perform a prospective drug utilization review for each visiting qualifying patient and counsel each such patient every time medical marijuana is dispensed to the patient in conformance with rules of the board governing dispensing of controlled substances and in compliance with applicable rules of the board on drug utilization review and patient counseling.

Proposed law prohibits a marijuana pharmacy from dispensing medical marijuana to a person who holds himself out to be a visiting qualifying patient if the dispensing pharmacist at the pharmacy determines any of the following with respect to that person:

- (1) The person's medical marijuana registry identification card was revoked, has expired, or is otherwise not valid and current.
- (2) The person's medical marijuana registry identification card was fraudulently obtained.
- (3) The person's application or written certifications were falsified in any way.
- (4) The person knowingly violated any provision of present law applicable to medical marijuana.

(Adds R.S. 40:1046.1)