
DIGEST

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HB 6 Original

2015 Regular Session

Honore

Abstract: Authorizes the production, prescribing, and distribution of therapeutic marijuana in La.

Present law authorizes the prescribing of therapeutic marijuana for glaucoma, spastic quadriplegia, and symptoms resulting from chemotherapy.

Proposed law deletes present law.

Proposed law provides that a physician may prescribe therapeutic marijuana for therapeutic use of a qualifying medical condition if all of the following occur:

- (1) The physician is a certified neurologist, oncologist, or ophthalmologist licensed to practice medicine in La.
- (2) The physician is registered to prescribe controlled dangerous substances with the DEA.
- (3) The physician has obtained a license to prescribe therapeutic marijuana.
- (4) The physician has a bonafide physician-patient relationship with a patient who suffers from a qualifying medical condition, and the physician determines that therapeutic marijuana is the best treatment option for that patient.

Proposed law creates the Therapeutic Marijuana Utilization Review Board and provides for its membership. Provides that the board shall have rulemaking authority and shall work in conjunction with the commissioner of the Dept. of Agriculture and Forestry, the La. Board of Pharmacy, and the La. Board of Medical Examiners to facilitate the necessary licensing to prescribe, produce, and dispense therapeutic marijuana in La.

Proposed law provides that the Dept. of Health and Hospitals shall supply staffing and facilities to assist the board in administering the provisions of proposed law.

Proposed law establishes criteria and licensing qualifications for therapeutic marijuana dispensers, therapeutic marijuana treatment facilities, therapeutic marijuana producers, therapeutic marijuana production facilities, and physicians licensed to prescribe therapeutic marijuana, and authorizes the board to develop the policies to implement proposed law through the adoption of rules. The House and Senate committees on health and welfare shall have oversight over rules adopted by the board.

Proposed law provides that the applicant for any license must be determined to be suitable and provides for the suitability standards. Also provides that certain criminal convictions, delinquencies in the payment of taxes, and providing false information (or omitting information) pursuant to a suitability check will disqualify a person from obtaining a license.

Provides that the licenses provided for by proposed law shall be issued by the following licensing authorities:

- (1) A therapeutic marijuana treatment center license shall be issued by the La. Board of Pharmacy.
- (2) A therapeutic marijuana dispensing agent license shall be issued by the La. Board of Pharmacy.
- (3) A license to prescribe therapeutic marijuana shall be issued by the La. Board of Medical Examiners.
- (4) A therapeutic marijuana production facility license shall be issued by the commissioner of the Dept. of Agriculture and Forestry.
- (5) A therapeutic marijuana producer license shall be issued by the commissioner of the Dept. of Agriculture and Forestry.

Proposed law provides for the creation of the La. Therapeutic Use of Marijuana Fund to be administered by the board, and provides that the Dept. of Agriculture and Forestry, the La. Board of Medical Examiners, and the La. Board of Pharmacy shall be reimbursed for any expenses those departments incur for the investigation and licensing functions.

Proposed law provides for an exemption from prosecution if a person is in possession or producing, manufacturing, dispensing, or distributing therapeutic marijuana as authorized by proposed law.

Proposed law provides that therapeutic marijuana shall not be covered by health insurance.

Proposed law provides that no licenses shall be issued until all rules have been adopted.

Effective Jan. 1, 2016.

(Amends Part X-E of Ch. 4 of Title 40, comprised of R.S. 40:1046.1-1046.16)