

**HOUSE COMMITTEE AMENDMENTS**

2018 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 579 by Representative James

1 AMENDMENT NO. 1

2 On page 1, line 2 after "(G)" insert "and R.S. 40:1046(A) and (G) as amended and reenacted  
3 by Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana"

4 AMENDMENT NO. 2

5 On page 4, after line 19, insert the following:

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7 "Section 2. R.S. 40:1046(A) and (G) as amended and reenacted by Section 2 of Act  
8 No. 96 of the 2016 Regular Session of the Legislature of Louisiana is hereby amended and  
9 reenacted to read as follows:

10 "Section 2. R.S. 40:1046 is hereby amended and reenacted to read as  
11 follows:

12 §1046. Prescription of marijuana for therapeutic use; rules and regulations;  
13 Louisiana Board of Pharmacy and the adoption of rules and  
14 regulations relating to the dispensing of prescribed marijuana for  
15 therapeutic use; the Department of Agriculture and Forestry and the  
16 licensure of a production facility

17 A.(1) Notwithstanding any other provision of this Part, a physician  
18 licensed by and in good standing with the Louisiana State Board of  
19 Medical Examiners to practice medicine in this state and who is domiciled  
20 in this state may prescribe, ~~in any form as permitted by the rules and~~  
21 ~~regulations of the Louisiana Board of Pharmacy except for inhalation, and~~  
22 ~~raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of~~  
23 ~~tetrahydrocannabinols~~ marijuana or marijuana preparations for  
24 therapeutic use by patients clinically diagnosed as suffering from a  
25 debilitating medical condition ~~glaucoma, symptoms resulting from the~~  
26 ~~administration of chemotherapy cancer treatment, and spastic quadriplegia~~  
27 ~~in accordance with rules and regulations promulgated by the Louisiana State~~  
28 ~~Board of Medical Examiners. The Louisiana State Board of Medical~~  
29 ~~Examiners shall submit to the Senate and House committees on health and~~  
30 ~~welfare on an annual basis not less than sixty days prior to the beginning of~~  
31 ~~the regular session of the legislature a report as to any additional diseases or~~  
32 ~~medical conditions that should be added to the list of eligible diseases and~~  
33 ~~conditions for prescription.~~

34 (2)(a) For purposes of this Subsection, "debilitating medical  
35 condition" means cancer, glaucoma, positive status for human  
36 immunodeficiency virus, acquired immune deficiency syndrome,  
37 cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity,  
38 severe muscle spasms, intractable pain, Crohn's disease, muscular  
39 dystrophy, or multiple sclerosis, or post traumatic stress disorder.

40 (b) Intractable pain means a pain state in which the cause of the  
41 pain cannot be removed or otherwise treated with the consent of  
42 the patient and which, in the generally accepted course of  
43 medical practice, no relief or cure of the cause of the pain is  
44 possible, or none has been found after reasonable efforts. It is  
45 pain so chronic and severe as to otherwise warrant an opiate  
46 prescription.

1 (c) The Louisiana Board of Medical Examiners shall adopt rules  
2 relating to the approval or denial of additional qualifying conditions.

3 (b)(d) If the United States Food and Drug Administration  
4 approves the use of medical marijuana in the same form provided for in  
5 this Part for any debilitating medical condition specifically identified in  
6 this Paragraph, that medical condition shall no longer be covered by the  
7 provisions of this Part.

8 (e)(e) If the United States Food and Drug Administration  
9 approves the use of medical marijuana in a form or derivative different  
10 than provided for in this Part for any debilitating medical condition  
11 specifically identified in this Paragraph, the disease state shall remain  
12 covered by the provisions of this Part. The patient shall first be treated  
13 by the approved form or derivative of medical marijuana through  
14 utilization of step therapy or fail first protocols. If, after use of the  
15 United States Food and Drug Administration approved form or  
16 derivative of medical marijuana, the physician determines that the  
17 preferred treatment required under step therapy or fail first protocol  
18 has been ineffective in the treatment of the patient's debilitating medical  
19 condition, he may prescribe the form of medical marijuana provided for  
20 in this Part for use by the patient as medically necessary.

21 (3) For purposes of this Part, "prescribe" or "prescription"  
22 means an order from a physician domiciled in Louisiana and licensed  
23 and in good standing with the Louisiana Board of Medical Examiners  
24 and authorized by the board to prescribe medical marijuana that is  
25 patient-specific and disease-specific in accordance with Paragraph (2) of  
26 this Subsection, and is communicated by any means allowed by the  
27 Louisiana Board of Pharmacy to a Louisiana-licensed pharmacist in a  
28 Louisiana-permitted dispensing pharmacy as described in Subsection G  
29 of this Section, and is preserved on file as required by Louisiana law or  
30 federal law regarding medical marijuana.

31 (4) Physicians shall may prescribe the use of medical marijuana  
32 for treatment of debilitating medical conditions in accordance with rules  
33 and regulations promulgated by the Louisiana State Board of Medical  
34 Examiners.

35 (5) Any member of the public may petition the Louisiana State  
36 Board of Medical Examiners for the addition of serious medical  
37 conditions and medical marijuana treatment options.

38 (5)(6) The Louisiana State Board of Medical Examiners shall  
39 submit to the Senate and House committees on health and welfare on an  
40 annual basis not less than sixty days prior to the beginning of the regular  
41 session of the legislature a report as to any additional diseases or medical  
42 conditions that should will be added to the list of eligible diseases and  
43 conditions for recommendation pursuant to review of public notice and  
44 comment.

45 \* \* \*

46 I.G.(1) The Louisiana Board of Pharmacy shall develop an annual,  
47 nontransferable specialty license for a pharmacy to dispense prescribed  
48 marijuana for therapeutic use and shall limit the number of such licenses  
49 granted in the state to no more than ten licensees. The Louisiana Board of  
50 Pharmacy shall develop rules and regulations regarding the geographical  
51 locations of dispensing pharmacies in Louisiana.

52 (2) Pharmacists licensed pursuant to this Section may dispense  
53 marijuana preparations and marijuana paraphernalia to patients  
54 enrolled in the state-sponsored medical marijuana program in  
55 Louisiana, their caregivers, and minor patients' domiciliary parents.

56 (3) Licensed dispensing pharmacies may not dispense raw or  
57 crude marijuana to patients, patients' parents, or caregivers.

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(4) No patient enrolled in the state-sponsored medical marijuana program may smoke marijuana or marijuana preparations. A qualifying patient may vaporize marijuana preparations.

(5)(a) For the purposes of this Subsection, "marijuana paraphernalia" means objects used, intended for use, or designated for use in preparing, storing, ingesting, vaporizing, or otherwise introducing medical marijuana into the human body. The term does not include objects meant for smoking marijuana.

(b) For the purposes of this Subsection, "marijuana preparations" means liquids, oils, pills, and salves containing marijuana or marijuana extracts, marijuana-infused edibles and beverages, and any other preparations of marijuana that are consistent with the rules adopted by the Louisiana Board of Pharmacy.

(c) For the purposes of this Subsection, "vaporize" means heating below the point of combustion.

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CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.