

1 §1046. Prescription of marijuana for therapeutic use; rules and regulations;
 2 Louisiana Board of Pharmacy and the adoption of rules and
 3 regulations relating to the dispensing of prescribed marijuana for
 4 therapeutic use; the Department of Agriculture and Forestry and the
 5 licensure of a production facility

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

23 **(2)(a) For purposes of this Subsection, "debilitating medical**
 24 **condition" means cancer, glaucoma, positive status for human**
 25 **immunodeficiency virus, acquired immune deficiency syndrome,**
 26 **cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity,**
 27 **severe muscle spasms, intractable pain, Crohn's disease, muscular**
 28 **dystrophy, or multiple sclerosis, or post-traumatic stress disorder.**

29 **(b) Intractable pain means a pain state in which the cause of the**
 30 **pain cannot be removed or otherwise treated with the consent of the**
 31 **patient and which, in the generally accepted course of medical practice,**
 32 **no relief or cure of the cause of the pain is possible, or none has been**
 33 **found after reasonable efforts. It is pain so chronic and severe as to**
 34 **otherwise warrant an opiate prescription.**

35 **(c) The Louisiana State Board of Medical Examiners shall adopt**
 36 **rules relating to the approval or denial of additional qualifying**
 37 **conditions.**

38 **(b) (d) If the United States Food and Drug Administration**
 39 **approves the use of medical marijuana in the same form provided for in**
 40 **this Part for any debilitating medical condition specifically identified in**
 41 **this Paragraph, that medical condition shall no longer be covered by the**
 42 **provisions of this Part.**

43 **(c) (e) If the United States Food and Drug Administration**
 44 **approves the use of medical marijuana in a form or derivative different**
 45 **than provided for in this Part for any debilitating medical condition**
 46 **specifically identified in this Paragraph, the disease state shall remain**
 47 **covered by the provisions of this Part. The patient shall first be treated**
 48 **by the approved form or derivative of medical marijuana through**
 49 **utilization of step therapy or fail first protocols. If, after use of the**
 50 **United States Food and Drug Administration approved form or**
 51 **derivative of medical marijuana, the physician determines that the**
 52 **preferred treatment required under step therapy or fail first protocol**
 53 **has been ineffective in the treatment of the patient's debilitating medical**
 54 **condition, he may prescribe the form of medical marijuana provided for**
 55 **in this Part for use by the patient as medically necessary.**

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

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

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

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

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

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

(3) Licensed dispensing pharmacies may not dispense raw or crude marijuana a patient or a parent or caregiver of a patient.

(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 any form authorized by and 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.