

SENATE RESOLUTION NO. 255

BY SENATOR BARROW

A RESOLUTION

To urge and request the Louisiana Department of Health, Louisiana State Board of Medical Examiners, and Louisiana Board of Pharmacy to study and make recommendations relative to certain provisions of Louisiana law on medical marijuana.

WHEREAS, the Legislature of Louisiana authorized the recommendation of medical marijuana for therapeutic use in limited dosing forms for individuals with debilitating medical conditions; and

WHEREAS, during the past several legislative sessions, Louisiana law on therapeutic use of marijuana has continuously evolved to include additional disease states, including autism spectrum disorder; and

WHEREAS, in addition to autism spectrum disorder, the law provides for fifteen additional identified debilitating medical conditions that are eligible for treatment with medical marijuana; and

WHEREAS, the law includes a requirement that a physician recommending medical marijuana for treatment of autism spectrum disorder must consult with a pediatric subspecialist if the patient is under the age of eighteen; and

WHEREAS, other than autism spectrum disorder, there is no provision in the law that requires pediatric subspecialist consultation when recommending medical marijuana for children; and

WHEREAS, while many studies are ongoing with the state legalization of medical marijuana in thirty-three states and the District of Columbia, there is currently a lack of clinically proven scientific evidence on the affects medical marijuana has on children; and

WHEREAS, while the legislature has supported giving pediatric patients options to relieve their debilitating conditions, consideration should be given to this unique population to ensure that medical marijuana use does not have unintended consequences; and

WHEREAS, the recommendation of medical marijuana is and has always been considered a personal decision to be discussed between the patient and his physician who is engaged in the overall treatment of the patient; and

WHEREAS, the Louisiana State Board of Medical Examiners (LSBME) regulates physicians, including the imposition of specific training and certification, to lawfully recommend medical marijuana in Louisiana; and

WHEREAS, current LSBME provisions promulgated by the board include a hundred patient maximum for physicians recommending medical marijuana; and

WHEREAS, LSBME has issued a notice of intent in accordance with the Administrative Procedure Act to repeal current patient limit provisions and impose no limit on the number of patients to which a physician may recommend medical marijuana; and

WHEREAS, even though medical marijuana is not currently available, several physicians have developed business models based entirely on providing access to medical marijuana; and

WHEREAS, in general, LSBME regulates the practice of medicine; however, if the physician is practicing pain management, then he must also be licensed by the Louisiana Department of Health as a pain management clinic; and

WHEREAS, a pain management clinic is a facility which primarily engages in the treatment of pain by prescribing narcotic medication, that has been defined in rule to mean a facility in which, during the course of any day the clinic is in operation, fifty-one percent or more of the patients seen are issued a narcotic prescription for the treatment of chronic nonmalignant pain; and

WHEREAS, as medical marijuana becomes available to patients, the regulatory bodies authorized to govern implementation of the program shall assess implementation of any proposed laws, rules, or regulations warranted to protect children and to protect the public from any unintended adverse consequences.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby request the Louisiana Department of Health, the Louisiana State Board of Medical Examiners, and the Louisiana Board of Pharmacy to study and make recommendations relative to certain provisions of Louisiana law on medical marijuana.

BE IT FURTHER RESOLVED that the study shall include specific recommendations on the following:

(1) Requirement for subspecialty consultation for pediatric patients with any debilitating medical condition, not just autism spectrum disorder, prior to recommending medical marijuana.

(2) Requirement for specific state licensure for a facility in which, on any day the clinic is in operation, fifty-one percent or more of patients seen are issued a medical marijuana recommendation.

(3) Any other patient protections that may be necessary due to the mood-altering nature of medical marijuana and as a result of this being a cash-based industry.

BE IT FURTHER RESOLVED that in conducting this study, external subject matter experts from Louisiana and other states may be called upon to provide input.

BE IT FURTHER RESOLVED that a report of recommendations shall be submitted to the Senate of the Legislature of Louisiana on or before February 1, 2020. However, conducting this study shall not be construed as a limit on rulemaking authority vested in the Louisiana Department of Health, the Louisiana State Board of Medical Examiners, and the Louisiana Board of Pharmacy to address any matters related to medical marijuana that shall be required during the study period.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health, the executive director of the Louisiana State Board of Medical Examiners, and the executive director of the Louisiana Board of Pharmacy.

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PRESIDENT OF THE SENATE