2019 Regular Session

HOUSE BILL NO. 358

BY REPRESENTATIVES JAMES, ARMES, BAGLEY, BAGNERIS, BILLIOT, BOUIE, BRASS, CHAD BROWN, CARPENTER, GARY CARTER, COX, CREWS, DUBUISSON, DUPLESSIS, FALCONER, FOIL, GAINES, GISCLAIR, GLOVER, JIMMY HARRIS, JACKSON, JORDAN, TERRY LANDRY, LARVADAIN, LEBAS, LEGER, LYONS, MARINO, MOORE, NORTON, PEARSON, PIERRE, PYLANT, RICHARD, AND SMITH

1	AN ACT
2	To amend and reenact R.S. 40:1046(A)(1), (2)(b), (3), (4), and (H)(1)(a) and to repeal R.S.
3	40:1046(A)(2)(d), (e), and (5) and Sections 2 and 4 of Act No. 96 of the 2016
4	Regular Session of the Legislature of Louisiana, relative to marijuana for therapeutic
5	use, known also as medical marijuana; to provide relative to the authorization for
6	physicians to recommend medical marijuana to a patient; to provide for the forms of
7	medical marijuana which a physician may recommend; to provide relative to
8	administrative rules for medical marijuana production; to repeal laws that refer to the
9	prescribing of medical marijuana; to repeal laws that are contingent upon federal
10	approval of marijuana for medical use; to repeal a requirement that the Louisiana
11	State Board of Medical Examiners report to the legislature concerning potential
12	additions to the list of diseases or conditions qualifying a patient for treatment with
13	medical marijuana; and to provide for related matters.
14	Be it enacted by the Legislature of Louisiana:
15	Section 1. R.S. 40:1046(A)(1), (2)(b), (3), (4), and (H)(1)(a) are hereby amended and
16	reenacted to read as follows:
17	§1046. Recommendation of marijuana for therapeutic use; rules and regulations;
18	Louisiana Board of Pharmacy and the adoption of rules and regulations
19	relating to the dispensing of recommended marijuana for therapeutic use; the
20	Department of Agriculture and Forestry and the licensure of a production
21	facility
22	A.(1) Notwithstanding any other provision of this Part, a physician licensed
23	by and in good standing with the Louisiana State Board of Medical Examiners to

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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practice medicine in this state and who is domiciled in this state may recommend, in any form as permitted by the rules and regulations of the Louisiana Board of Pharmacy except for inhalation, and raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use by patients any patient clinically diagnosed as suffering from a debilitating medical condition. Nothing in this Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from permitting, by rule, medical marijuana in a form to be administered by metered-dose inhaler. For purposes of this Section, "metered-dose inhaler" means a device that delivers a specific amount of medication to the lungs, in the form of a short burst of medicine that is usually self-administered by the patient via inhalation.

(2)(a)

\* \* \*

(b) No physician shall recommend medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of eighteen unless the physician complies with the provisions of this Section and consults with a pediatric subspecialist. For purposes of this Subparagraph a pediatric subspecialist is an individual licensed to practice medicine in any state in the United States who provides care to patients with autism spectrum disorder.

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- order from a physician domiciled in Louisiana and licensed by and in good standing with the Louisiana State Board of Medical Examiners and authorized by the board to recommend 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 A physician licensed to practice medicine in Louisiana may recommend medical marijuana to any patient suffering from a debilitating medical

HB NO. 358 **ENROLLED** 1 condition with whom he shares a bona fide doctor-patient relationship and shall 2 recommend use of medical marijuana for treatment of debilitating medical conditions in accordance with rules and regulations promulgated by the Louisiana 3 4 State Board of Medical Examiners. 5 6 H.(1)(a) The Department of Agriculture and Forestry shall develop the rules 7 and regulations regarding the extraction, processing, and production of 8 recommended therapeutic marijuana and the facility producing therapeutic 9 marijuana. The rules and regulations shall include but not be limited to both of the 10 following minimum standards: 11 (i) In order to mitigate the risk of bacterial contamination, food-grade 12 ethanol extraction shall be used. 13 (ii) The require as a minimum standard that the extraction and refining 14 process shall produce a product that is food safe food-safe and capable of producing 15 pharmaceutical-grade products. 16 17 Section 2. R.S. 40:1046(A)(2)(d), (e), and (5) and Sections 2 and 4 of Act No. 96 of 18 the 2016 Regular Session of the Legislature of Louisiana are hereby repealed in their 19 entirety. SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA	

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PRESIDENT OF THE SENATE

APPROVED: