

2020 Regular Session

HOUSE BILL NO. 819

BY REPRESENTATIVES BAGLEY, ADAMS, BRASS, BROWN, BRYANT, CARPENTER, GARY CARTER, WILFORD CARTER, CORMIER, COX, DUPLESSIS, FREEMAN, GREEN, HUGHES, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, LACOMBE, LARVADAIN, LYONS, MARINO, SELDERS, STAGNI, AND WILLARD

MEDICAL MARIJUANA: Authorizes the recommendation of medical marijuana for additional conditions and allows any state-licensed physician to recommend medical marijuana

1 AN ACT

2 To amend and reenact R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4), to enact R.S.
3 40:1046(A)(2)(a)(xvii) through (xxii), and to repeal R.S. 40:1046(B), relative to
4 recommendation by physicians of marijuana for therapeutic use, known commonly
5 as medical marijuana; to provide relative to the authorization for physicians to
6 recommend medical marijuana; to provide for medical conditions which qualify a
7 patient for treatment with medical marijuana; to authorize the recommendation of
8 medical marijuana by a physician in treating certain specified conditions and any
9 other medical condition that he is qualified to treat; to repeal requirements for the
10 Louisiana State Board of Medical Examiners to issue rules and regulations
11 concerning the recommendation of medical marijuana by physicians; and to provide
12 for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4) are hereby amended and
15 reenacted and R.S. 40:1046(A)(2)(a)(xvii) through (xxii) are hereby enacted to read as
16 follows:

1 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
2 regulations; of the Louisiana State Board of Medical Examiners and
3 Louisiana Board of Pharmacy; ~~and the adoption of rules and regulations~~
4 ~~relating to the dispensing of recommended marijuana for therapeutic use; the~~
5 ~~Department of Agriculture and Forestry and the licensure of a production~~
6 facility licensing by the Department of Agriculture and Forestry

7 A.(1) Notwithstanding any other provision of this Part, a any physician
8 licensed by and in good standing with the Louisiana State Board of Medical
9 Examiners to practice medicine in this state may recommend, in any form as
10 permitted by the rules and regulations of the Louisiana Board of Pharmacy except
11 for inhalation, and raw or crude marijuana, tetrahydrocannabinols or a chemical
12 derivative of tetrahydrocannabinols for therapeutic use by any patient clinically
13 diagnosed as suffering from a debilitating medical condition. Nothing in this
14 Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from
15 permitting, by rule, medical marijuana in a form to be administered by metered-dose
16 inhaler. For purposes of this Section, "metered-dose inhaler" means a device that
17 delivers a specific amount of medication to the lungs, in the form of a short burst of
18 medicine that is usually self-administered by the patient via inhalation.

19 (2)(a) For purposes of this Subsection, "debilitating medical condition"
20 means any of the following:

21 * * *

22 (iii) ~~Parkinson's disease~~; Any of the following neurodegenerative diseases
23 and conditions:

24 (aa) Alzheimer's disease.

25 (bb) Amyotrophic lateral sclerosis.

26 (cc) Huntington's disease.

27 (dd) Lewy body dementia.

28 (ee) Motor neuron disease.

29 (ff) Parkinson's disease.

1 (gg) Spinal muscular atrophy.

2 * * *

3 (xvii) Traumatic brain injury.

4 (xviii) A concussion diagnosed by a physician.

5 (xix) Chronic pain associated with fibromyalgia.

6 (xx) Chronic pain associated with sickle cell disease.

7 (xxi) Any condition for which a patient is receiving hospice care or palliative
8 care.

9 (xxii) Any condition not otherwise specified in this Subparagraph that a
10 physician, in his medical opinion, considers debilitating to an individual patient and
11 is qualified through his medical education and training to treat.

12 * * *

13 (3) For purposes of this Part, "recommend" or "recommended" means an
14 ~~order from a physician licensed by and in good standing with the Louisiana State~~
15 ~~Board of Medical Examiners and authorized by the board to recommend medical~~
16 ~~marijuana that is patient-specific and disease-specific in accordance with Paragraph~~
17 ~~(2) of this Subsection, and is communicated by any means allowed by the Louisiana~~
18 ~~Board of Pharmacy to a Louisiana-licensed pharmacist in a Louisiana-permitted~~
19 ~~dispensing pharmacy as described in Subsection G of this Section, and is preserved~~
20 ~~on file as required by Louisiana law or federal law regarding medical marijuana~~
21 opinion of any physician licensed by and in good standing with the Louisiana State
22 Board of Medical Examiners, provided within a bona fide doctor-patient relationship,
23 that, in the sincere judgment of the physician, therapeutic cannabis may be helpful
24 to the patient's condition or symptoms and is communicated by any means allowed
25 by the Louisiana Board of Pharmacy.

26 (4) ~~Any physician licensed by and in good standing with the Louisiana~~
27 State Board of Medical Examiners to practice medicine in Louisiana may
28 recommend medical marijuana to any patient suffering from a debilitating medical
29 condition with whom he shares a bona fide doctor-patient relationship ~~and shall~~

1 ~~recommend use of medical marijuana for treatment of debilitating medical~~
 2 ~~conditions in accordance with rules and regulations promulgated by the Louisiana~~
 3 ~~State Board of Medical Examiners.~~

4 Section 2. R.S. 40:1046(B) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 819 Engrossed

2020 Regular Session

Bagley

Abstract: Authorizes the recommendation of medical marijuana by physicians for treating additional conditions and authorizes any state-licensed physician to recommend medical marijuana.

Present law authorizes physicians who are licensed by and in good standing with the La. State Board of Medical Examiners to recommend medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Defines "debilitating medical condition" to mean cancer, glaucoma, Parkinson's disease, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, severe muscle spasms, intractable pain, Crohn's disease, muscular dystrophy, multiple sclerosis, post traumatic stress disorder, and certain conditions associated with autism spectrum disorder.

Proposed law retains present law and adds all of the following to the list of debilitating medical conditions which qualify a patient for treatment with medical marijuana:

- (1) Alzheimer's disease.
- (2) Amyotrophic lateral sclerosis.
- (3) Huntington's disease.
- (4) Lewy body dementia.
- (5) Motor neuron disease.
- (6) Spinal muscular atrophy.
- (7) Chronic pain associated with fibromyalgia.
- (8) Chronic pain associated with sickle cell disease.
- (9) Any condition for which a patient is receiving hospice care or palliative care.
- (10) Any condition not otherwise specified in present law or proposed law that a physician, in his medical opinion, considers debilitating to an individual patient and is qualified through his medical education and training to treat.

Present law defines "recommend", with respect to medical marijuana, as an order from a physician licensed by and in good standing with the La. State Board of Medical Examiners and authorized by the board to recommend medical marijuana that is patient-specific and

disease-specific in accordance with present law, is communicated by any means allowed by the La. Board of Pharmacy to a state-licensed pharmacist in a state-permitted dispensing pharmacy as described in present law, and is preserved on file as required by present law. Proposed law amends the definition of "recommend" to read as follows:

"[The] opinion of any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners, provided within a bona fide doctor-patient relationship, that, in the sincere judgment of the physician, therapeutic cannabis may be helpful to the patient's condition or symptoms and is communicated by any means allowed by the Louisiana Board of Pharmacy."

Proposed law repeals present law requiring that physicians recommend medical marijuana in accordance with rules and regulations promulgated by the La. State Board of Medical Examiners.

Proposed law repeals present law requiring the La. State Board of Medical Examiners to promulgate rules and regulations authorizing physicians to recommend medical marijuana to patients.

(Amends R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4); Adds R.S. 40:1046(A)(2)(a)(xvii)-(xxii); Repeals R.S. 40:1046(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Add the following to the list of debilitating medical conditions provided in present law which qualify a patient for treatment with medical marijuana:
 - a. Alzheimer's disease.
 - b. Amyotrophic lateral sclerosis.
 - c. Huntington's disease.
 - d. Lewy body dementia.
 - e. Motor neuron disease.
 - f. Spinal muscular atrophy.
 - g. Chronic pain associated with fibromyalgia.
 - h. Chronic pain associated with sickle cell disease.
 - i. Any condition for which a patient is receiving hospice care or palliative care.
 - j. Any condition not otherwise specified in present law or proposed law that a physician, in his medical opinion, considers debilitating to an individual patient and is qualified through his medical education and training to treat.
2. Amend the definition of "recommend", for purposes of present law and proposed law relative to medical marijuana, to provide that the term shall mean the opinion of any physician licensed by and in good standing with the La. State Board of Medical Examiners, provided within a bona fide doctor-patient relationship, that,

in his sincere judgment, therapeutic cannabis may be helpful to the patient's condition or symptoms and is communicated by any means allowed by the La. Board of Pharmacy.

3. Repeal present law requiring that physicians recommend medical marijuana in accordance with rules and regulations promulgated by the La. State Board of Medical Examiners.
4. Repeal present law requiring the La. State Board of Medical Examiners to promulgate rules and regulations authorizing physicians to recommend medical marijuana to patients.