

2021 Regular Session

HOUSE RESOLUTION NO. 113

BY REPRESENTATIVE MARINO

MEDICAL MARIJUANA: Creates a special commission to study and make recommendations concerning medical marijuana laws and regulations

1 A RESOLUTION

2 To create a special legislative commission to study the laws and regulations of this state  
3 pertaining to cultivation, extraction, pharmaceutical and therapeutic use, distribution,  
4 and researching of marijuana; to evaluate and identify best practices and regulatory  
5 improvements to effectuate the recent legislative expansion of Louisiana's medical  
6 marijuana program; and to report findings and recommendations concerning these  
7 matters to the Speaker of the House of Representatives of the Legislature of  
8 Louisiana.

9 WHEREAS, though medical marijuana did not become available to patients in  
10 Louisiana until 2019, the therapeutic use of marijuana in this state has been authorized in law  
11 since 1978, when Act No. 725 of the 1978 Regular Session of the legislature was enacted;  
12 and

13 WHEREAS, the legislature subsequently enacted Act No. 874 of the 1991 Regular  
14 Session and Act No. 261 of the 2015 Regular Session, the Alison Neustrom Act, in efforts  
15 to facilitate access by patients to medical marijuana; and

16 WHEREAS, the 2015 legislation established the Louisiana Board of Pharmacy as the  
17 regulatory authority for the dispensing of recommended marijuana for therapeutic use for  
18 treating conditions such as glaucoma, cancer, and spastic quadriplegia; and

19 WHEREAS, this legislation also established the Louisiana Department of Agriculture  
20 and Forestry as the regulatory authority for the cultivation and production of medical  
21 marijuana; and

1           WHEREAS, in 2018, the legislature enacted several laws expanding the statutorily  
2 provided list of conditions qualifying patients for treatment with medical marijuana, adding  
3 post-traumatic stress disorder, autism, and chronic pain as qualifying conditions; and

4           WHEREAS, Act No. 286 of the 2020 Regular Session dramatically expanded the  
5 authorization for use of medical marijuana by adding to the statutory list of qualifying  
6 conditions Alzheimer's disease, amyotrophic lateral sclerosis, Huntington's disease, Lewy  
7 body dementia, motor neuron disease, Parkinson's disease, spinal muscular atrophy,  
8 traumatic brain injury, concussion, chronic pain associated with fibromyalgia, chronic pain  
9 associated with sickle cell disease, and, most significantly, any condition not otherwise  
10 specified in the state's medical marijuana law, R.S. 40:1046, that a physician, in his medical  
11 opinion, considers debilitating to an individual patient and is qualified through his medical  
12 education and training to treat; and

13           WHEREAS, over the past several years, the set of authorized forms of medical  
14 marijuana in this state has also been expanded to include metered dose inhalers, oils,  
15 extracts, tinctures, sprays, capsules, pills, solutions, suspensions, gelatin-based chewables,  
16 lotions, transdermal patches, and suppositories; and

17           WHEREAS, as of the date of filing of this Resolution, a bill is pending in the  
18 legislature to repeal the prohibition on therapeutic use of marijuana in raw or crude form and  
19 thereby permit a smokeable form of medical marijuana; this bill, House Bill No. 391 of the  
20 2021 Regular Session, achieved final passage in both the House and Senate with over a two-  
21 thirds majority of the elected members of the legislature voting yea on the measure; and

22           WHEREAS, with the significant expansion of permitted uses, access to physician  
23 recommendations, and methods of delivery of medical marijuana for patients, a careful  
24 review and study by policymakers of the laws and regulations on cultivation, production, and  
25 distribution of medical marijuana could lead to improved patient access and enhanced  
26 opportunities for public and private research and development institutions to study and  
27 improve this treatment; and

28           WHEREAS, such a study effort could also identify means by which public and  
29 private institutions in Louisiana such as universities, health systems, bioscience centers,  
30 research and development entities, political subdivisions, and economic development

1 organizations can meaningfully participate in research and development related to  
2 therapeutic marijuana, thereby resulting in new investments and jobs in this state.

3       THEREFORE, BE IT RESOLVED that the House of Representatives of the  
4 Legislature of Louisiana does hereby create a special legislative commission to study the  
5 laws and regulations of this state pertaining to cultivation, extraction, pharmaceutical and  
6 therapeutic use, distribution, and researching of marijuana.

7       BE IT FURTHER RESOLVED that the special commission shall be composed of  
8 the following members:

9       (1) The chairman of the House Committee on Agriculture, Forestry, Aquaculture,  
10 and Rural Development or his designee.

11       (2) One member of the House Committee on Agriculture, Forestry, Aquaculture, and  
12 Rural Development appointed by the speaker of the House of Representatives.

13       (3) Two members of the House Committee on Health and Welfare appointed by the  
14 speaker of the House of Representatives.

15       (4) Two members of the House Committee on Administration of Criminal Justice  
16 appointed by the speaker of the House of Representatives.

17       (5) The speaker of the House of Representatives or his designee.

18       BE IT FURTHER RESOLVED that the special commission shall do all of the  
19 following:

20       (1) Determine whether the current regulatory structure of this state allows for  
21 patients to timely receive physician-recommended medical marijuana in a manner that is  
22 consistent with best medical care and practice.

23       (2) Produce estimates of patient care needs based on the expansion of Louisiana's  
24 medical marijuana program over the past six years and identify regulations that require  
25 reform as a result of this expansion.

26       (3) Evaluate whether issues with availability of marijuana for therapeutic use have  
27 occurred over the prior one-year period and determine if any regulatory reforms can address  
28 those issues and ensure that medical marijuana will be available on a reliable basis.

1           (4) Evaluate Louisiana's current cost structure for medical marijuana compared to  
2 that of other markets and evaluate whether any regulatory reform can decrease the cost of  
3 medical marijuana to Louisiana patients.

4           (5) Identify best practices, economic models, and analogous programs of other states  
5 to determine whether regulatory reforms are necessary with respect to the number of  
6 cultivators, extractors, pharmacies, and dispensers.

7           (6) Identify whether regulatory reforms could assist in encouraging investment by  
8 public and private entities such as universities, health systems, bioscience centers, research  
9 and development entities, political subdivisions, and economic development organizations  
10 in research and development of therapeutic marijuana.

11           (7) Recommend any necessary reforms in policies and regulations to be  
12 implemented by the Louisiana Board of Pharmacy, the Louisiana Department of Agriculture  
13 and Forestry, and any other state agency, board, or commission to advance patient care and  
14 to promote research and development of medical marijuana.

15           BE IT FURTHER RESOLVED that the Louisiana Department of Health, Louisiana  
16 Department of Agriculture and Forestry, Louisiana Board of Pharmacy, Department of  
17 Economic Development, Louisiana Department of Revenue, and legislative auditor may  
18 provide any necessary support to carry out the purposes of this Resolution.

19           BE IT FURTHER RESOLVED that the special commission shall convene no later  
20 than September 1, 2021, shall elect a chairperson from among its members at its first  
21 meeting, and shall report its findings and recommendations to the speaker of the House no  
22 later than February 1, 2022.

23           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
24 secretary of the Louisiana Department of Health, the commissioner of agriculture, the  
25 executive director of the Louisiana Board of Pharmacy, the secretary of the Department of  
26 Economic Development, the secretary of the Louisiana Department of Revenue, and the  
27 legislative auditor.

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**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)]

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HR 113 Engrossed

2021 Regular Session

Marino

Creates a special legislative commission to study the laws and regulations of this state pertaining to cultivation, extraction, pharmaceutical and therapeutic use, distribution, and researching of marijuana.

Summary of Amendments Adopted by House

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

1. Update findings regarding consideration by the legislature of HB No. 391 of this 2021 R.S.
2. Revise provisions establishing that one member of the commission created by the Resolution shall be the chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to provide that the member shall be the chairman of this committee or his designee.
3. Revise provisions relative to staff support for the commission to authorize, rather than require, certain agencies to provide staff support.
4. Provide that the commission shall elect a chairperson from among its members at its first meeting.