

**ACT No. 444**

2022 Regular Session

HOUSE BILL NO. 190

BY REPRESENTATIVES TRAVIS JOHNSON AND GLOVER

1 AN ACT

2 To amend and reenact R.S. 40:966(F)(1), (7), and (8)(a), 1046(A)(1), (2)(a)(xviii), (xxii),  
3 and (b), (3), (4), (5)(b), (6), and (C)(1), 1168.2(2) through (5), and  
4 1168.3(A)(1)(b)(iii), (iv), and (2)(b) and to enact R.S. 40:1046(B), relative to the  
5 recommendation to patients of marijuana for therapeutic use, known also as medical  
6 marijuana; to provide relative to licensed health professionals who may recommend  
7 medical marijuana to patients; to authorize nurse practitioners with prescriptive  
8 authority to recommend medical marijuana to patients; to authorize medical  
9 psychologists to recommend medical marijuana to patients; to revise references to  
10 licensed health professionals who may recommend medical marijuana to patients  
11 within laws providing for immunity from prosecution for possession of marijuana;  
12 to revise references to licensed health professionals who may recommend medical  
13 marijuana to patients within laws providing for a data system for the collection and  
14 analysis of clinical information associated with use of medical marijuana; and to  
15 provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 40:966(F)(1), (7), and (8)(a), 1046(A)(1), (2)(a)(xviii), (xxii), and  
18 (b), (3), (4), (5)(b), (6), and (C)(1), 1168.2(2) through (5), and 1168.3(A)(1)(b)(iii), (iv), and  
19 (2)(b) are hereby amended and reenacted and R.S. 40:1046(B) is hereby enacted to read as  
20 follows:



1 therapeutic use in a form permissible under R.S. 40:1046 issued by a licensed health  
2 professional authorized by R.S. 40:1046(B) to recommend medical marijuana to  
3 patients.

4 \* \* \*

5 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and  
6 regulations of the ~~Louisiana State Board of Medical Examiners and~~  
7 Louisiana Board of Pharmacy; production facility licensing by the  
8 Department of Agriculture and Forestry

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

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

25 \* \* \*

26 (xviii) A concussion diagnosed by a ~~physician~~ an authorized clinician.

27 \* \* \*

28 (xxii) Any condition not otherwise specified in this Subparagraph that a  
29 ~~physician~~ an authorized clinician, in his ~~medical~~ clinical opinion, considers







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5

(2)

\* \* \*

(b) The board shall design and administer the data system such that reporting of health outcomes is limited to ~~physicians~~ authorized clinicians exclusively.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_