

SENATE RESOLUTION NO. 96

BY SENATOR MIZELL

A RESOLUTION

To urge and request the Louisiana Department of Health to study acute and long-term adverse health events related to medical marijuana, hemp containing THC, and kratom and to report its findings to the legislature prior to the convening of the 2024 Regular Session of the Legislature of Louisiana.

WHEREAS, the therapeutic use of marijuana in this state was first authorized in law in 1978, when Act No. 725 of the 1978 Regular Session of the legislature was enacted; and

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

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

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

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

WHEREAS, Act No. 286 of the 2020 Regular Session dramatically expanded the authorization for use of medical marijuana by adding to the statutory list of qualifying conditions: Alzheimer's disease, amyotrophic lateral sclerosis, Huntington's disease, Lewy body dementia, motor neuron disease, Parkinson's disease, spinal muscular atrophy, traumatic brain injury, concussion, chronic pain associated with fibromyalgia, chronic pain associated with sickle cell disease, and, most significantly, any condition not otherwise

specified in the state's medical marijuana law, R.S. 40:1046, that a physician, in his medical opinion, considers debilitating to an individual patient and is qualified through his medical education and training to treat; and

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

WHEREAS, Act No. 424 of the 2021 Regular Session repealed the prohibition on therapeutic use of marijuana in raw or crude form and thereby permitted a smokeable form of medical marijuana; and

WHEREAS, Act No. 438 of the 2022 Regular Session authorized dispensing of medical marijuana to certain qualifying patients who are not Louisiana residents and Act No. 444 of the 2022 Regular Session extended the authority to recommend medical marijuana to medical psychologists and licensed nurse practitioners who have prescriptive authority, in addition to licensed physicians; and

WHEREAS, Act No. 491 of the 2022 Regular Session transferred duties for licensure and regulation of medical marijuana production facilities from the Louisiana Department of Agriculture and Forestry to the Louisiana Department of Health and repealed the ten-license limit on marijuana pharmacy licenses by providing a process to issue additional licenses contingent upon increases in medical marijuana patient counts; and

WHEREAS, with the significant expansion of permitted uses, access to clinician recommendations, and methods of delivery of medical marijuana for patients, it is imperative that state lawmakers and health officials remain aware of the adverse effects on the health and well-being of the residents of Louisiana; and

WHEREAS, thirty-seven additional states have laws authorizing the use of medical marijuana that may have reliable outcome reports or cumulative data that the Louisiana Department of Health can use in determining acute and long-term adverse health events related to medical marijuana; and

WHEREAS, Act No. 164 of the 2019 Regular Session provided for the regulation of industrial hemp and industrial hemp-derived CBD products; and

WHEREAS, Louisiana law regulating industrial hemp was amended in the following years by Act No. 344 of the 2020 Regular Session, Act No. 336 of the 2021 Regular Session, which provided for consumable hemp products, and Act No. 458 of the 2022 Regular Session; and

WHEREAS, R.S. 3:1481 defines hemp as the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 THC concentration of not more than 0.3 percent on a dry weight basis; and

WHEREAS, R.S. 3:1481 also defines THC as a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid; and

WHEREAS, both hemp and marijuana plants are the same species, with the main difference being how much THC each contains; and

WHEREAS, kratom is a preparation made from the leaves of *Mitragyna speciosa*, an evergreen tree that grows naturally in Southeast Asia, which can be used as either a sedative or a stimulant depending upon the amount consumed; and

WHEREAS, the United States Food and Drug Administration warns consumers not to use kratom; and

WHEREAS, there are no approved Food and Drug Administration (FDA) uses for kratom; and

WHEREAS, R.S. 40:989.3 prohibits the distribution of any product containing kratom to a minor; and

WHEREAS, the FDA has raised concerns about the toxicity and possible death with the use of kratom; and

WHEREAS, Act No. 231 of the 2019 Regular Session provides for Mitragynine to be added to the Uniform Controlled Dangerous Substances Law if and when the Drug Enforcement Administration of the United States classifies *Mitragyna* as a controlled dangerous substance; and

WHEREAS, the legislature needs reliable data regarding actual adverse effects in order to safeguard the health and well-being of Louisiana residents and properly regulate medical marijuana, hemp containing THC, and kratom.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana Department of Health to study acute and long-term adverse health events related to medical marijuana, hemp containing THC, and kratom and to report its findings to the legislature prior to the convening of the 2024 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Louisiana Department of Health.

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PRESIDENT OF THE SENATE