

RÉSUMÉ DIGEST

ACT 96 (SB 271)

2016 Regular Session

Mills

Prior law provides for medical marijuana to be prescribed. New law changes prescribed to recommended.

Prior law provided that medical marijuana can be prescribed for glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment and spastic quadriplegia.

New law changes the disease states to debilitating medical conditions (cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis).

New law will no longer apply to any debilitating medical condition covered by new law for which the U.S. Food and Drug Administration (U.S. FDA) approves the use of medical marijuana in the same form provided for in new law.

New law will continue to apply to any debilitating medical condition covered by new law for which the U.S. FDA approves the use of medical marijuana or a derivative in a form not provided for in new law. New law requires a patient to first be treated by the approved form or derivative of medical marijuana through utilization of step therapy or fail first protocols. If the physician determines that the preferred treatment required under step therapy or fail first protocol has been ineffective in the treatment of the patient's debilitating medical condition, he may prescribe the form of medical marijuana pursuant to new law for use by the patient as medically necessary.

New law adds a definition of "recommend" or "recommended" as an order from a physician domiciled in La. and licensed 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 prior law and is communicated by any means allowed by the La. Board of Pharmacy to a La.-licensed pharmacist in a La.-permitted dispensing pharmacy as described in prior law and is preserved on file as required by La. law or federal law regarding medical marijuana.

Prior law requires the recommending physician to be licensed to practice medicine in this state. New law requires the recommending physician to be licensed by the La. State Board of Medical Examiners, in good standing with the board, and domiciled in La.

New law clarifies that the LSU Agricultural Center and the Southern University Agricultural Center shall have separate licenses if they exercise their right of first refusal and that they need to make that determination by Sept. 1, 2016. Further authorizes these agricultural centers to conduct research on marijuana for therapeutic use if licensed as a production facility.

New law adds authorization for the Dept. of Agriculture and Forestry to obtain criminal history record information on applicants for licensure as a producer of therapeutic marijuana.

Prior law provides for reporting and rule promulgation deadlines that have passed. New law repeals deadlines that have passed and instructs the boards to update their rules to reflect the change in new law from prescribed to recommended.

New law requires rules promulgated by the Dept. of Agriculture to require food- grade ethanol extraction to be used in order to mitigate the risk of bacterial contamination. New law further requires the rules to require the extraction and refining process to produce a product that is food safe and capable of producing pharmaceutical-grade products.

Provides a separate effective date for certain provisions of the law that if the U.S. DEA reclassifies marijuana from a Schedule I drug to a Schedule II drug, new law will change from authorizing the recommendation by a physician for use of medical marijuana to a prescription by a physician for use of medical marijuana.

Certain provisions of new law authorizing the recommendation by a physician for use of medical marijuana will be effective upon signature of the governor.

(Amends R.S. 40:1046; adds R.S. 40:1047)