PHARMACISTS: Provides relative to the authorization for therapeutic use of marijuana

AN ACT

To amend and reenact R.S. 40:1046(A) and (G), relative to the authorization of marijuana for therapeutic use; to provide the duties and authorization of the Louisiana Board of Medical Examiners and the Louisiana Board of Pharmacy; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(A) and (G) are hereby amended and and reenacted to read as follows:

§ 1046. Recommendation of marijuana for therapeutic use; rules and regulations; Louisiana Board of Pharmacy and the adoption of rules and regulations relating to the dispensing of recommended marijuana for therapeutic use; the Department of Agriculture and Forestry and the licensure of a production facility

A.(1) Notwithstanding any other provision of this Part, a physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in this state and who is domiciled in this state may recommend, in any form as permitted by the rules and regulations of the Louisiana Board of Pharmacy except for inhalation, and raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols marijuana or marijuana

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
preparations for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition.

(2)(a) For purposes of this Subsection, "debilitating medical condition" means cancer, glaucoma, 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, or multiple sclerosis, or post traumatic stress disorder.

(b) Intractable pain means a pain state in which the cause of the pain cannot be removed or otherwise treated with the consent of the patient and which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts. It is pain so chronic and severe as to otherwise warrant an opiate prescription.

(c) The Louisiana Board of Medical Examiners shall adopt rules relating to the approval or denial of additional qualifying conditions.

(d) If the United States Food and Drug Administration approves the use of medical marijuana in the same form provided for in this Part for any debilitating medical condition specifically identified in this Paragraph, that medical condition shall no longer be covered by the provisions of this Part.

(e) If the United States Food and Drug Administration approves the use of medical marijuana in a form or derivative different than provided for in this Part for any debilitating medical condition specifically identified in this Paragraph, the disease state shall remain covered by the provisions of this Part. The patient shall first be treated by the approved form or derivative of medical marijuana through utilization of step therapy or fail first protocols. If, after use of the United States Food and Drug Administration approved form or derivative of medical marijuana, 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 recommend the form of medical marijuana provided for in this Part for use by the patient as medically necessary.

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(3) For purposes of this Part, "recommend" or "recommended" means an order from a physician domiciled in Louisiana and licensed and in good standing with the Louisiana State Board of Medical Examiners and authorized by the board to recommend medical marijuana that is patient-specific and disease-specific in accordance with Paragraph (2) of this Subsection, and is communicated by any means allowed by the Louisiana Board of Pharmacy to a Louisiana-licensed pharmacist in a Louisiana-permitted dispensing pharmacy as described in Subsection G of this Section, and is preserved on file as required by Louisiana law or federal law regarding medical marijuana.

(4) Physicians may recommend use of medical marijuana for treatment of debilitating medical conditions in accordance with rules and regulations promulgated by the Louisiana State Board of Medical Examiners.

(5) Any member of the public may petition the Louisiana State Board of Medical Examiners for the addition of serious medical conditions and medical marijuana treatment options.

(6) The Louisiana State Board of Medical Examiners shall submit to the Senate and House committees on health and welfare on an annual basis not less than sixty days prior to the beginning of the regular session of the legislature a report as to any additional diseases or medical conditions that will be added to the list of eligible diseases and conditions for recommendation pursuant to review of public notice and comment.

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G.(1) The Louisiana Board of Pharmacy shall develop an annual, nontransferable specialty license for a pharmacy to dispense recommended marijuana for therapeutic use and shall limit the number of such licenses granted in the state to no more than ten licensees. The Louisiana Board of Pharmacy shall develop rules and regulations regarding the geographical locations of dispensing pharmacies in Louisiana.
(2) Pharmacists licensed pursuant to this Section may dispense marijuana preparations and marijuana paraphernalia to patients enrolled in the state-sponsored medical marijuana program in Louisiana, their caregivers, and minor patients' domiciliary parents.

(3) Licensed dispensing pharmacies may not dispense raw or crude marijuana to patients, patients' parents, or caregivers.

(4) No patient enrolled in the state-sponsored medical marijuana program may smoke marijuana or marijuana preparations. A qualifying patient may vaporize marijuana preparations.

(5)(a) For the purposes of this Subsection, "marijuana paraphernalia" means objects used, intended for use, or designated for use in preparing, storing, ingesting, vaporizing, or otherwise introducing medical marijuana into the human body. The term does not include objects meant for smoking marijuana.

(b) For the purposes of this Subsection, "marijuana preparations" means liquids, oils, pills, and salves containing marijuana or marijuana extracts, marijuana-infused edibles and beverages, and any other preparations of marijuana that are consistent with the rules adopted by the Louisiana Board of Pharmacy.

(c) For the purposes of this Subsection, "vaporize" means heating below the point of combustion.

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 579 Original 2018 Regular Session James

Abstract: Provides relative to the La. Board of Medical Examiners and the La. Board of Pharmacy in authorizing marijuana for therapeutic use.

Present law authorizes licensed physicians to recommend in any form, with specific exceptions, tetrahydrocannabinols (THC) or chemical derivatives of THC for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition.

Proposed law provides that licensed physicians may recommend marijuana or marijuana preparations for therapeutic use for patients suffering from a debilitating medical condition.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
Proposed law provides that licensed pharmacists may dispense marijuana preparations and marijuana paraphernalia to patients enrolled in the state-sponsored medical marijuana program in Louisiana, their caregivers, and minor patients' domiciliary parents.

Present law defines debilitating medical conditions as: 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.

Proposed law adds to the list: glaucoma, severe muscle spasms, intractable pain, and post traumatic stress disorder.

Proposed law adds and defines intractable pain as a pain state in which the cause of the pain cannot be removed or otherwise treated with the consent of the patient and which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts. It is pain so chronic and severe as to otherwise warrant an opiate prescription.

(Amends R.S. 40:1046(A) and (G))