AN ACT

To amend and reenact R.S. 40:1046(A)(2) and R.S. 40:1046(A)(2) as amended and reenacted by Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana, relative to health conditions for which a recommendation or prescription of medical marijuana is authorized; to authorize the recommendation of or prescription for medical marijuana in treating certain conditions associated with autism spectrum disorder; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 40:1046(A)(2) is hereby amended 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.  

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

(i) Cancer.

(ii) Positive status for human immunodeficiency virus.

(iii) Acquired immune deficiency syndrome.

(iv) Cachexia or wasting syndrome.

(v) Seizure disorders.

(vi) Epilepsy.

(vii) Spasticity.

(viii) Crohn's disease.

(ix) Muscular dystrophy.

(x) Multiple sclerosis.

(xi) Any of the following conditions associated with autism spectrum disorder:

(aa) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.

(bb) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.

(cc) Self-injuring behavior.

(dd) Physically aggressive or destructive behavior.

(b) No physician shall recommend medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of eighteen unless the physician is a pediatric subspecialist licensed by the Louisiana State Board of Medical Examiners and credentialed by the Louisiana Board of Pharmacy.

(c) 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.

(c) (d) 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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Section 2. R.S. 40:1046(A)(2) as amended and reenacted by Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana is hereby amended and reenacted to read as follows:

Section 2. R.S. 40:1046 is hereby amended and reenacted to read as follows:

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

A.

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

(i) Cancer.

(ii) Positive status for human immunodeficiency virus.

(iii) Acquired immune deficiency syndrome.

(iv) Cachexia or wasting syndrome.

(v) Seizure disorders.

(vi) Epilepsy.

(vii) Spasticity.

(viii) Crohn’s disease.

(ix) Muscular dystrophy.

(x) Multiple sclerosis.

(xi) Any of the following conditions associated with autism spectrum disorder:

(aa) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.

(bb) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.

(cc) Self-injuring behavior.

(dd) Physically aggressive or destructive behavior.

(b) No physician shall recommend medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of eighteen unless the physician is a pediatric subspecialist licensed by the Louisiana State Board of Medical Examiners and credentialed by the Louisiana Board of Pharmacy.

(b)(c) 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.

(d) 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 prescribe the form of medical marijuana provided for in this Part for use by the patient as medically necessary.

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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)]

HB 627 Reengrossed 2018 Regular Session Lyons

Abstract: Authorizes the recommendation or prescription of medical marijuana in treating certain health conditions associated with autism spectrum disorder.

Recommendation of Medical Marijuana

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to recommend tetrahydrocannabinols (commonly referred to as "medical marijuana"), or chemical derivatives thereof, for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Defines "debilitating medical condition" to mean 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 retains present law and adds the following conditions associated with autism spectrum disorder as conditions for which physicians may recommend treatment with medical marijuana:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(1) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.

(2) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.

(3) Self-injuring behavior.

(4) Physically aggressive or destructive behavior.

**Proposed law** stipulates that no physician shall recommend medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of 18 unless the physician is a pediatric subspecialist licensed by the La. State Board of Medical Examiners and credentialed by the La. Board of Pharmacy.

**Prescription of Medical Marijuana**

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed. Defines "debilitating medical condition" to mean 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** retains present law and adds the following conditions associated with autism spectrum disorder as conditions for which physicians may prescribe treatment with medical marijuana if and when such prescribing becomes legal:

(1) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.

(2) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.

(3) Self-injuring behavior.

(4) Physically aggressive or destructive behavior.

**Proposed law** stipulates that no physician shall prescribe medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of 18 unless the physician is a pediatric subspecialist licensed by the La. State Board of Medical Examiners and credentialed by the La. Board of Pharmacy.

(Amends R.S. 40:1046(A)(2) and R.S. 40:1046(A)(2) as amended and reenacted by §2 of Act No. 96 of 2016 R.S.)

**Summary of Amendments Adopted by House**

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

1. Stipulate that no physician shall recommend or prescribe medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of 18 unless the physician is a pediatric subspecialist.
subspecialist licensed by the La. State Board of Medical Examiners and credentialed by the La. Board of Pharmacy.

2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes with respect to the manner by which proposed law amends present law relative to prescribing of medical marijuana (§2 of Act No. 96 of 2016 R.S.).