AN ACT

To amend and reenact R.S. 40:1046(A)(2) and (H)(2)(c) and to enact R.S. 40:1046(H)(2)(c) 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; to provide for enactment of certain provisions upon reclassification of marijuana by the United States Drug Enforcement Administration; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(A)(2) and (H)(2)(c) are 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 complies with the provisions of this Section and consults with a pediatric subspecialist.

(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.
(e)(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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(c) The Louisiana State University Agricultural Center or the Southern
University Agricultural Center may conduct research on marijuana for therapeutic
use if the center is licensed as a production facility pursuant to this Section. Effective
January 1, 2020, and annually thereafter, the Louisiana State University Agricultural
Center and the Southern University Agricultural Center shall submit a report to the
Senate and House committees on health and welfare, to include data and outcomes
of the research conducted pursuant to this Paragraph.

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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 and R.S. 40:1046(H)(2)(c) is hereby enacted 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 any of the following:

(i) cancer, Cancer.

(ii) positive status for human immunodeficiency virus, Positive status for human immunodeficiency virus.

(iii) acquired immune deficiency syndrome, Acquired immune deficiency syndrome.

(iv) cachexia or wasting syndrome, Cachexia or wasting syndrome.

(v) seizure disorders, Seizure disorders.

(vi) epilepsy, Epilepsy.

(vii) spasticity, Spasticity.

(viii) Crohn's disease, Crohn's disease.

(ix) muscular dystrophy, or Muscular dystrophy.

(x) multiple sclerosis, 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 prescribe 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 complies with the provisions of this Section and
consults with a pediatric subspecialist.

(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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H.

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(c) The Louisiana State University Agricultural Center or the Southern
University Agricultural Center may conduct research on marijuana for therapeutic
use if the center is licensed as a production facility pursuant to this Section. Effective
January 1, 2020, and annually thereafter, the Louisiana State University Agricultural
Center and the Southern University Agricultural Center shall submit a report to the
Senate and House committees on health and welfare, to include data and outcomes
of the research conducted pursuant to this Paragraph.

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Section 3. This Section and Section 1 of this Act shall become effective upon
signature by the governor or, if not signed by the governor, upon expiration of the time for
bills to become law without signature by the governor, as provided by Article III, Section
18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
by the legislature, this Section and Section 1 of this Act shall become effective on the day
following such approval.

Section 4. This Section and Section 2 of this Act shall become effective and
operative if and upon the date when the United States Drug Enforcement Administration
reclassifies marijuana from a Schedule I drug to a Schedule II drug under the authority of
the Controlled Substances Act, 21 U.S.C. 801 et seq.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ___________________