ENROLLED

2018 Regular Session

ACT No. 708

HOUSE BILL NO. 579

BY REPRESENTATIVES JAMES AND COX

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AN ACT

To amend and reenact R.S. 40:1046(A)(1) and (2) and (J), and R.S. 40:1046(A)(1) and (2) and (J) as amended and reenacted by Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana and to enact R.S. 40:1046(K) and R.S. 40:1046(K) of Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana, relative to the authorization of marijuana for therapeutic use; to provide for debilitating medical conditions; 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)(1) and (2) and (J) are hereby amended and and reenacted and R.S. 40:1046(K) is hereby enacted 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 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, Parkinson’s disease, 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) 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 recommend the form of medical marijuana provided for
in this Part for use by the patient as medically necessary.
J. Notwithstanding any other provision of law to the contrary, employers and
their worker's compensation insurers shall not be obliged or ordered to pay for
medical marijuana in claims arising under Title 23 of the Louisiana Revised Statutes
of 1950, the Louisiana Workers' Compensation Law.

K. The provisions of this Section shall terminate on January 1, 2020.

Section 2. R.S. 40:1046(A)(1) and (2) and (J) as amended and reenacted by Section
2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana are hereby
amended and reenacted and R.S. 40:1046(K) is hereby enacted 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.(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 prescribe, 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 for therapeutic use by patients clinically diagnosed as
suffering from a debilitating medical condition glaucoma, symptoms
resulting from the administration of chemotherapy cancer treatment, and
spastic quadriplegia in accordance with rules and regulations promulgated by
the Louisiana State Board of Medical Examiners. 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 should be added to the list of
eligible diseases and conditions for prescription.

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
(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) 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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CODING: Words in struck through type are deletions from existing law; words underscored are additions.
J. Notwithstanding any other provision of law to the contrary, employers and their worker's compensation insurers shall not be obliged or ordered to pay for medical marijuana in claims arising under Title 23 of the Louisiana Revised Statutes of 1950, the Louisiana Workers' Compensation Law.

K. The provisions of this Section shall terminate on January 1, 2020.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________