

RÉSUMÉ DIGEST

ACT 284 (HB 358)

2019 Regular Session

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Prior law authorized physicians domiciled in this state and licensed by and in good standing with the La. State Board of Medical Examiners to recommend medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. New law deletes the requirement that a physician be domiciled in this state in order to recommend medical marijuana for treating a patient's debilitating medical condition and otherwise retains existing law requiring that a physician be licensed by and in good standing with the La. State Board of Medical Examiners in order to recommend medical marijuana for such conditions.

New law retains existing law which defines "debilitating medical condition" to mean 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, multiple sclerosis, post traumatic stress disorder, and certain conditions associated with autism spectrum disorder.

Existing law authorizes physicians with the necessary qualifications to recommend medical marijuana in any form as permitted by the rules and regulations of the La. Board of Pharmacy except for inhalation and raw or crude marijuana. New law retains existing law and stipulates that nothing in new law or existing law shall be construed to prevent the La. Board of Pharmacy from permitting, by rule, medical marijuana in a form to be administered by metered-dose inhaler. Provides that for purposes of new law, "metered-dose inhaler" means a device that delivers a specific amount of medication to the lungs in the form of a short burst of medicine that is usually self-administered by the patient via inhalation.

Existing law requires that physicians recommend medical marijuana for treatment of debilitating medical conditions in accordance with rules and regulations of the La. State Board of Medical Examiners. New law retains existing law and adds provisions authorizing a physician to recommend medical marijuana to any patient suffering from a debilitating medical condition with whom he shares a bona fide doctor-patient relationship.

Existing law prohibits a physician from recommending 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 consults with a pediatric subspecialist. New law retains existing law and provides that, for purposes of new law and existing law, "pediatric subspecialist" means an individual licensed to practice medicine in any state in the United States who provides care to patients with autism spectrum disorder.

New law repeals all of the following from prior law:

- (1) Provisions that referred to the prescribing of medical marijuana.
- (2) Provisions that were contingent upon the reclassification of marijuana within federal controlled substances schedules by the U.S. Drug Enforcement Administration.
- (3) Provisions that were contingent upon approval of marijuana for medical use by the U.S. Food and Drug Administration.
- (4) Provisions that required the use of food-grade ethanol extraction in the production of medical marijuana.
- (5) Provisions that required the La. State Board of Medical Examiners to submit to the legislative committees on health and welfare an annual report concerning any additional diseases or medical conditions that should be added to the list of debilitating medical conditions established in existing law.

Effective August 1, 2019.

(Amends R.S. 40:1046(A)(1), (2)(b), (3), (4), and (H)(1)(a); Repeals R.S. 40:1046(A)(2)(d), (e), and (5) and §§2 and 4 of Act No. 96 of the 2016 R.S.)