PHARMACISTS. Provides for medical marijuana. (gov sig)

AN ACT

To amend and reenact R.S. 40:1046 and to enact R.S. 40:1047, relative to medical marijuana; to provide for physician requirements; to provide for definitions; to provide for rulemaking requirements; to provide for responsibilities of certain licensing boards and agencies; to provide for criminal background history; to provide for enactment of provisions upon reclassification by the United States Drug Enforcement Administration; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046 is hereby amended and reenacted and R.S. 40:1047 is hereby enacted to read as follows:

§1046. Prescription 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 prescribed 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 prescribe 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 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.

(2) 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, Crohn's disease, muscular dystrophy or multiple sclerosis.

(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 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 shall 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) 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 recommendation.

B. The Louisiana State Board of Medical Examiners shall promulgate rules and regulations authorizing physicians licensed to practice in this state to prescribe marijuana for therapeutic use by patients as described in Subsection A of this Section no later than January 1, 2016. Any rules published by the Louisiana State Board of Medical Examiners on or before January 1, 2016, that describe the physician's authority to prescribe should be repromulgated to indicate that he is "recommending" use of therapeutic marijuana.

C.(1) The Louisiana Board of Pharmacy shall adopt rules relating to the dispensing of prescribed recommended marijuana for therapeutic use no later than December 1, 2016. Any rules published by the Louisiana Board of Pharmacy on or before January 1, 2016, that describe the pharmacist as dispensing medical marijuana based on a physician's prescription should be repromulgated to indicate that the physician is "recommending" use of therapeutic marijuana. The Louisiana Board of Pharmacy shall seek input from groups including but not limited to the following:

(a) The Louisiana District Attorneys Association;

(b) Professional law enforcement associations, organizations, and commissions;

(2) The rules shall include but not be limited to:

(a) Standards, procedures, and protocols for the effective use of prescribed recommended marijuana for therapeutic use as authorized by state law and related rules and regulations.
(b) Standards, procedures, and protocols for the dispensing and tracking of prescribed recommended therapeutic marijuana in Louisiana.

(c) Procedures and protocols to provide that no prescribed recommended therapeutic marijuana may be dispensed from, produced from, obtained from, sold to, or transferred to a location outside of this state.

(d) The establishment of standards, procedures, and protocols for determining the amount of usable prescribed recommended therapeutic marijuana that is necessary to constitute an adequate supply to ensure uninterrupted availability for a period of one month, including amounts for topical treatments.

(e) The establishment of standards, procedures, and protocols to ensure that all prescribed recommended therapeutic marijuana dispensed is consistently pharmaceutical grade.

(f) The establishment of standards and procedures for the revocation, suspension, and nonrenewal of licenses.

(g) The establishment of other licensing, renewal, and operational standards which are deemed necessary by the Louisiana Board of Pharmacy.

(h) The establishment of standards and procedures for testing prescribed recommended therapeutic marijuana samples for levels of tetrahydrocannabinol (THC) or other testing parameters deemed appropriate by the Louisiana Board of Pharmacy.

(i) The establishment of health, safety, and security requirements for dispensers of prescribed therapeutic marijuana.

(j) Licensure of dispensers of prescribed therapeutic marijuana.

(k) The establishment of financial requirements for applicants of therapeutic marijuana dispensing pharmacy license under which each applicant demonstrates the following:

(i) The financial capacity to operate a therapeutic marijuana dispensing pharmacy.

(ii) The ability to maintain an escrow account in a financial institution.
headquartered in Louisiana in an amount of two million dollars, if required by the
Louisiana Board of Pharmacy.

D. The Louisiana Board of Pharmacy shall submit a report to the legislature
no later than January 1, 2016, with recommendations on possible fee amounts
relative to the provisions of this Section.

E. All rules shall be adopted in accordance with the provisions of the
Administrative Procedure Act.

F. Nothing in this Section shall be construed to prohibit the Louisiana State
Board of Medical Examiners or the Louisiana Board of Pharmacy from adopting
emergency rules as otherwise provided for in the Administrative Procedure Act.

G. Marijuana, tetrahydrocannabinols, or a chemical derivative of
tetrahydrocannabinols prescribed recommended pursuant to this Section shall be
dispensed in person from a licensed pharmacy in good standing located in Louisiana.

H. A prescriber and dispenser of person who recommends and person
who dispenses marijuana, tetrahydrocannabinols, or a chemical derivative of
tetrahydrocannabinols pursuant to this Section shall review the patient's information
in the Prescription Monitoring Program database prior to the prescribing
recommending and dispensing thereof.

I. The Louisiana Board of Pharmacy shall develop an annual,
nontransferable specialty license for a pharmacy to dispense prescribed
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.

J. The Department of Agriculture and Forestry shall develop the rules
and regulations regarding the production of prescribed recommended therapeutic
marijuana and the facility producing therapeutic marijuana. The rules and regulations
shall include but not be limited to the procedures for application, qualifications,
eligibility, background checks, and standards for suitability for a license and
penalties for violations of the rules and regulations.

(2)(a) The Department of Agriculture and Forestry shall develop an annual, nontransferable specialty license for the production of prescribed recommended marijuana for therapeutic use, and Other than the licenses granted pursuant to Subparagraph (b) of this Paragraph, the Department of Agriculture and Forestry shall limit the number of such licenses granted in the state to no more than one licensee. The Louisiana State University Agricultural Center and the Southern University Agricultural Center shall have the right of first refusal to be licensed as the production facility, either separately or jointly. If neither of the centers exercise this option, the license shall be awarded pursuant to the requirements provided for in Paragraphs (3) through (5) of this Subsection.

(b) Prior to September 1, 2016, the Louisiana State University Agricultural Center and the Southern University Agricultural Center shall each provide written notice to the commissioner of agriculture and forestry of their intent to be licensed as a production facility, either separately or jointly.

(3) The license shall be limited to one geographic location as provided for in rule by the Department of Agriculture and Forestry. The geographic location shall be a public record subject to disclosure under the Public Records Law, R.S. 44:1 et seq. The licensee shall permit inspection of the production facility by any elected member of the Louisiana Legislature upon request after receipt of reasonable notice.

(4)(a) The Department of Agriculture and Forestry shall grant the license pursuant to a contract awarded through a competitive sealed bid or a competitive sealed proposal as provided for in R.S. 39:1594 and 1595. The contract for the license shall be subject to the Louisiana Procurement Code and shall not be subject to any exceptions to or other variances from the Louisiana Procurement Code. The contract shall not be awarded under the sole source procurement provisions provided for in R.S. 39:1597.

(b) Any contract for the license awarded pursuant to this Subsection shall not exceed five years.
(c) Any contract, memorandum of understanding, or cooperative endeavor agreement entered into pursuant to this Section shall be a public record subject to disclosure under the Public Records Law, R.S. 44:1 et seq.

(d) Any contract, memorandum of understanding, or cooperative endeavor agreement entered into for services for the cultivation or processing in any way of marijuana pursuant to this Section shall be a public record subject to disclosure under the Public Records Law, R.S. 44:1 et seq.

(e) No person licensed pursuant to this Subsection shall subcontract for services for the cultivation or processing in any way of marijuana if the subcontractor, or any of the service providers in the chain of subcontractors, is owned wholly or in part by any state employee or member of a state employee's immediate family, including but not limited to any legislator, statewide public official, university or community or technical college employee, Louisiana State University Agricultural Center employee, or Southern University Agricultural Center employee. For the purposes of this Paragraph, “immediate family” has the same meaning as provided in R.S. 42:1102.

(f) Any bid for the license awarded pursuant to this Subsection shall include proof of the financial capability of the bidder to operate a therapeutic marijuana production facility including but not limited to a net worth of not less than one million dollars.

(5) No person licensed pursuant to this Subsection shall give or receive anything of value in connection with any contract, memorandum of understanding, or cooperative endeavor agreement executed pursuant to this Subsection except the value that is expressed in the contract, memorandum of understanding, or cooperative endeavor agreement.

(6)(a) The Department of Agriculture shall collect the following information from each licensee:

(i) The amount of gross marijuana produced by the licensee during each calendar year.
(ii) The details of all production costs including but not limited to seed, fertilizer, labor, advisory services, construction, and irrigation.

(iii) The details of any items or services for which the licensee subcontracted and the costs of each subcontractor directly or indirectly working for the contractor.

(iv) The amount of therapeutic chemicals produced resulting from the marijuana grown pursuant to this Section.

(v) The amounts paid each year to the licensee related to the licensee's production of therapeutic marijuana pursuant to this Section.

(vi) The amount of therapeutic marijuana distributed to each pharmacy licensed to dispense therapeutic marijuana in this state during each calendar year.

(b) The Department of Agriculture and Forestry shall provide the information collected pursuant to this Paragraph for the previous calendar year in the form of a written report to the Louisiana Legislature no later than February first of each year. The department shall also make a copy of the report required by this Subparagraph available to the public on the Internet.

(7) No company that has made a contribution to a candidate in a Louisiana election governed by the provisions of the Campaign Finance Disclosure Act within the five years prior to bidding for the license, or is controlled wholly or in part by a person who made such a contribution within the five years prior to the company bidding for the license, may be eligible for the license.

(8) The Department of Agriculture and Forestry shall submit a report to the legislature no later than January 1, 2016, with recommendations on possible fee amounts relative to the provisions of this Section.

K. The levels of THC in any marijuana produced pursuant to this Section shall be reduced to the lowest acceptable therapeutic levels available through scientifically accepted methods.

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

§1047. Louisiana Department of Agriculture and Forestry; authorization to obtain criminal history record information

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
A. As used in this Part the following terms shall have the following meaning:

(1) "Applicant" means a natural person, a corporation, limited liability company, partnership, joint stock association, sole proprietorship, joint venture, business association, cooperative association, professional corporation or any other legal entity or organization through which business is conducted.

(2) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(3) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision, and release. It shall not include intelligence information gathered for investigatory purposes or any identification information which does not indicate involvement of the individual in the criminal justice system.

(4) "Department" means Louisiana Department of Agriculture and Forestry.

(5) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

(6) "Licensure" means any license or permit that the department is authorized to issue for the production of prescribed therapeutic marijuana and the facility producing therapeutic marijuana.

B. In addition to any other requirements established by department rules, the department shall require an applicant, as a condition of eligibility for licensure:

(1) To submit a full set of fingerprints, in a form and manner prescribed by the department.
(2) To permit the department to request and obtain state and national criminal history record information on the applicant.

(3) To pay the reasonable costs to be incurred by the department in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedure prescribed by this Part, the department shall request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the department has obtained pursuant to this Part for the purpose of determining the applicant's suitability and eligibility for licensure.

D. Upon request by the department and upon submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the FBI for like information from other jurisdictions. The bureau may charge the department a reasonable processing fee for conducting and reporting on any such search.

E. Any and all state or national criminal history record information obtained by the department from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use by the department in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the department to any other person or agency.
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
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.

(2) 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, Crohn's disease or
multiple sclerosis.

(3) For purposes of this Part, "prescribe" or "prescription" means an
order from a physician domiciled in Louisiana and licensed and in good
standing with the Louisiana Board of Medical Examiners and authorized by the
board to prescribe 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 shall prescribe the 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) 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 recommendation.

B. The Louisiana State Board of Medical Examiners shall promulgate rules and regulations authorizing physicians licensed to practice in this state to prescribe marijuana for therapeutic use by patients as described in Subsection A of this Section no later than January 1, 2016.

C.(1) The Louisiana Board of Pharmacy shall adopt rules relating to the dispensing of prescribed marijuana for therapeutic use no later than December 1, 2016. The Louisiana Board of Pharmacy shall seek input from groups including but not limited to the following:

(a) The Louisiana District Attorneys Association;

(b) Professional law enforcement associations, organizations, and commissions.

(2) The rules shall include but not be limited to:

(a) Standards, procedures, and protocols for the effective use of prescribed marijuana for therapeutic use as authorized by state law and related rules and regulations.

(b) Standards, procedures, and protocols for the dispensing and tracking of prescribed therapeutic marijuana in Louisiana.

(c) Procedures and protocols to provide that no prescribed therapeutic marijuana may be dispensed from, produced from, obtained from, sold to, or transferred to a location outside of this state.
(d) The establishment of standards, procedures, and protocols for determining
the amount of usable prescribed therapeutic marijuana that is necessary to constitute
an adequate supply to ensure uninterrupted availability for a period of one month,
including amounts for topical treatments.

(e) The establishment of standards, procedures, and protocols to ensure that
all prescribed therapeutic marijuana dispensed is consistently pharmaceutical grade.

(f) The establishment of standards and procedures for the revocation,
suspension, and nonrenewal of licenses.

(g) The establishment of other licensing, renewal, and operational standards
which are deemed necessary by the Louisiana Board of Pharmacy.

(h) The establishment of standards and procedures for testing prescribed
therapeutic marijuana samples for levels of tetrahydrocannabinol (THC) or other
testing parameters deemed appropriate by the Louisiana Board of Pharmacy.

(i) The establishment of health, safety, and security requirements for
dispensers of prescribed therapeutic marijuana.

(j) Licensure of dispensers of prescribed therapeutic marijuana.

(k) The establishment of financial requirements for applicants of therapeutic
marijuana dispensing pharmacy license under which each applicant demonstrates the
following:

   (i) The financial capacity to operate a therapeutic marijuana dispensing
   pharmacy.

   (ii) The ability to maintain an escrow account in a financial institution
   headquartered in Louisiana in an amount of two million dollars, if required by the
   Louisiana Board of Pharmacy.

D. The Louisiana Board of Pharmacy shall submit a report to the legislature
no later than January 1, 2016, with recommendations on possible fee amounts
relative to the provisions of this Section.

E. All rules shall be adopted in accordance with the provisions of the
Administrative Procedure Act.
Nothing in this Section shall be construed to prohibit the Louisiana State Board of Medical Examiners or the Louisiana Board of Pharmacy from adopting emergency rules as otherwise provided for in the Administrative Procedure Act.

Marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols prescribed pursuant to this Section shall be dispensed in person from a licensed pharmacy in good standing located in Louisiana.

A prescriber and dispenser of marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols pursuant to this Section shall review the patient's information in the Prescription Monitoring Program database prior to the prescribing and dispensing thereof.

The Louisiana Board of Pharmacy shall develop an annual, nontransferable specialty license for a pharmacy to dispense prescribed 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.

(1) The Department of Agriculture and Forestry shall develop the rules and regulations regarding the production of prescribed therapeutic marijuana and the facility producing therapeutic marijuana. The rules and regulations shall include but not be limited to the procedures for application, qualifications, eligibility, background checks, and standards for suitability for a license and penalties for violations of the rules and regulations.

(2) The Department of Agriculture and Forestry shall develop an annual, nontransferable specialty license for the production of prescribed marijuana for therapeutic use, and Other than the licenses granted pursuant to Subparagraph (b) of this Paragraph, the Department of Agriculture and Forestry shall limit the number of such licenses granted in the state to no more than one licensee. The Louisiana State University Agricultural Center and the Southern University Agricultural Center shall have the right of first refusal to be licensed as the
production facility, either separately or jointly. If neither of the centers exercise this option, the license shall be awarded pursuant to the requirements provided for in Paragraphs (3) through (5) of this Subsection.

(b) Prior to September 1, 2016, the Louisiana State University Agricultural Center and the Southern University Agricultural Center shall each provide written notice to the commissioner of agriculture and forestry of their intent to be licensed as a production facility, either separately or jointly.

(3) The license shall be limited to one geographic location as provided for in rule by the Department of Agriculture and Forestry. The geographic location shall be a public record subject to disclosure under the Public Records Law, R.S. 44:1 et seq. The licensee shall permit inspection of the production facility by any elected member of the Louisiana Legislature upon request after receipt of reasonable notice.

(4)(a) The Department of Agriculture and Forestry shall grant the license pursuant to a contract awarded through a competitive sealed bid or a competitive sealed proposal as provided for in R.S. 39:1594 and 1595. The contract for the license shall be subject to the Louisiana Procurement Code and shall not be subject to any exceptions to or other variances from the Louisiana Procurement Code. The contract shall not be awarded under the sole source procurement provisions provided for in R.S. 39:1597.

(b) Any contract for the license awarded pursuant to this Subsection shall not exceed five years.

c) Any contract, memorandum of understanding, or cooperative endeavor agreement entered into pursuant to this Section shall be a public record subject to disclosure under the Public Records Law, R.S. 44:1 et seq.

d) Any contract, memorandum of understanding, or cooperative endeavor agreement entered into for services for the cultivation or processing in any way of marijuana pursuant to this Section shall be a public record subject to disclosure under the Public Records Law, R.S. 44:1 et seq.

e) No person licensed pursuant to this Subsection shall subcontract for
services for the cultivation or processing in any way of marijuana if the subcontractor, or any of the service providers in the chain of subcontractors, is owned wholly or in part by any state employee or member of a state employee's immediate family, including but not limited to any legislator, statewide public official, university or community or technical college employee, Louisiana State University Agricultural Center employee, or Southern University Agricultural Center employee. For the purposes of this Paragraph, "immediate family" has the same meaning as provided in R.S. 42:1102.

(f) Any bid for the license awarded pursuant to this Subsection shall include proof of the financial capability of the bidder to operate a therapeutic marijuana production facility including but not limited to a net worth of not less than one million dollars.

(5) No person licensed pursuant to this Subsection shall give or receive anything of value in connection with any contract, memorandum of understanding, or cooperative endeavor agreement executed pursuant to this Subsection except the value that is expressed in the contract, memorandum of understanding, or cooperative endeavor agreement.

(6)(a) The Department of Agriculture shall collect the following information from each licensee:

(i) The amount of gross marijuana produced by the licensee during each calendar year.

(ii) The details of all production costs including but not limited to seed, fertilizer, labor, advisory services, construction, and irrigation.

(iii) The details of any items or services for which the licensee subcontracted and the costs of each subcontractor directly or indirectly working for the contractor.

(iv) The amount of therapeutic chemicals produced resulting from the marijuana grown pursuant to this Section.

(v) The amounts paid each year to the licensee related to the licensee's production of therapeutic marijuana pursuant to this Section.
(vi) The amount of therapeutic marijuana distributed to each pharmacy licensed to dispense therapeutic marijuana in this state during each calendar year.

(b) The Department of Agriculture and Forestry shall provide the information collected pursuant to this Paragraph for the previous calendar year in the form of a written report to the Louisiana Legislature no later than February first of each year. The department shall also make a copy of the report required by this Subparagraph available to the public on the Internet.

(7) No company that has made a contribution to a candidate in a Louisiana election governed by the provisions of the Campaign Finance Disclosure Act within the five years prior to bidding for the license, or is controlled wholly or in part by a person who made such a contribution within the five years prior to the company bidding for the license, may be eligible for the license.

(8) The Department of Agriculture and Forestry shall submit a report to the legislature no later than January 1, 2016, with recommendations on possible fee amounts relative to the provisions of this Section:

K. The levels of THC in any marijuana produced pursuant to this Section shall be reduced to the lowest acceptable therapeutic levels available through scientifically accepted methods.

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

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 Act shall become effective on the day following such approval.

Section 4. This Section and Section 2 of this Act shall become effective and become operative if and 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., at which time the provisions of Section 1 of this Act amending and reenacting R.S. 40:1046 shall become null and void and of no effect.
SB 271 Reengrossed 2016 Regular Session Mills

Present law provides for medical marijuana to be prescribed. Proposed law changes prescribed to recommended.

Present law provides that medical marijuana can be prescribed for glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment and spastic quadriplegia.

Proposed law changes the disease states to debilitating medical conditions (cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, severe muscle spasms, Crohn's disease, muscular dystrophy or multiple sclerosis).

Proposed law adds a definition of "recommend" or "recommended" as an order from a physician domiciled in Louisiana and licensed and in good standing with the Louisiana Board of Medical Examiners and authorized by the board to recommend medical marijuana that is patient-specific and disease-specific in accordance with present law 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 present law and is preserved on file as required by Louisiana law or federal law regarding medical marijuana.

Present law required the recommending physician to be licensed to practice medicine in this state. Proposed law requires the recommending physician to be licensed by the Louisiana State Board of Medical Examiners, in good standing with the board and domiciled in Louisiana.

Proposed law clarifies that the Louisiana State University Agricultural Center and the Southern University Agricultural Center shall have separate licenses if they exercise their right of first refusal and that they need to make that determination by September 1, 2016.

Proposed law adds authorization for the Department of Agriculture and Forestry to obtain criminal history record information on applicants for licensure as a producer of therapeutic marijuana.

Present law provides for reporting and rule promulgation deadlines that have passed. Proposed law repeals deadlines that have passed and instructs the boards to update their rules to reflect the change in proposed law from prescribed to recommended.

Provides a separate effective date for certain provisions of the law that if the U.S. DEA reclassifies marijuana from a Schedule I drug to a Schedule II drug, proposed law will change from authorizing the recommendation by a physician for use of medical marijuana to a prescription by a physician for use of medical marijuana.

Certain provisions of proposed law authorizing the recommendation by a physician for use of medical marijuana will be effective upon signature of the governor or upon lapse of time for gubernatorial action.

(Amends R.S. 40:1046; adds R.S. 40:1047)
Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Adds spasticity and muscular dystrophy as disease states defined as debilitating medical conditions and removes ancillary language regarding disease state that could have been misinterpreted.

2. Adds provisions granting authorization for the Department of Agriculture and Forestry to obtain criminal history record information on applicants for licensure as a producer of medical marijuana.

3. Clarifies that the Louisiana State University Agricultural Center and the Southern University Agricultural Center shall have separate licenses if they exercise their right of first refusal and that they need to make that determination by September 1, 2016.

4. Provides an alternative effective date to change "recommend" to "prescribe" upon reclassification of marijuana from a Schedule I drug to a Schedule II drug by the United States Drug Enforcement Administration.

Senate Floor Amendments to engrossed bill

1. Changes enacting provision.

2. Makes technical changes.