
The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

DIGEST

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.