

2018 Regular Session

HOUSE BILL NO. 579

BY REPRESENTATIVE JAMES

PHARMACISTS: Provides relative to the authorization for therapeutic use of marijuana

1 AN ACT

2 To amend and reenact R.S. 40:1046(A) and (G), relative to the authorization of marijuana
3 for therapeutic use; to provide the duties and authorization of the Louisiana Board
4 of Medical Examiners and the Louisiana Board of Pharmacy; to provide for
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1046(A) and (G) are hereby amended and and reenacted to read
8 as follows:

9 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;
10 Louisiana Board of Pharmacy and the adoption of rules and regulations
11 relating to the dispensing of recommended marijuana for therapeutic use; the
12 Department of Agriculture and Forestry and the licensure of a production
13 facility

14 A.(1) Notwithstanding any other provision of this Part, a physician licensed
15 by and in good standing with the Louisiana State Board of Medical Examiners to
16 practice medicine in this state and who is domiciled in this state may recommend;
17 ~~in any form as permitted by the rules and regulations of the Louisiana Board of~~
18 ~~Pharmacy except for inhalation, and raw or crude marijuana, tetrahydrocannabinols,~~
19 ~~or a chemical derivative of tetrahydrocannabinols~~ marijuana or marijuana

1 preparations for therapeutic use by patients clinically diagnosed as suffering from a
2 debilitating medical condition.

3 (2)(a) For purposes of this Subsection, "debilitating medical condition"
4 means cancer, glaucoma, positive status for human immunodeficiency virus,
5 acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure
6 disorders, epilepsy, spasticity, severe muscle spasms, intractable pain, Crohn's
7 disease, muscular dystrophy, ~~or multiple sclerosis, or post traumatic stress disorder~~.

8 (b) Intractable pain means a pain state in which the cause of the pain cannot
9 be removed or otherwise treated with the consent of the patient and which, in the
10 generally accepted course of medical practice, no relief or cure of the cause of the
11 pain is possible, or none has been found after reasonable efforts. It is pain so chronic
12 and severe as to otherwise warrant an opiate prescription.

13 (c) The Louisiana Board of Medical Examiners shall adopt rules relating to
14 the approval or denial of additional qualifying conditions.

15 (d) If the United States Food and Drug Administration approves the use of
16 medical marijuana in the same form provided for in this Part for any debilitating
17 medical condition specifically identified in this Paragraph, that medical condition
18 shall no longer be covered by the provisions of this Part.

19 (e) If the United States Food and Drug Administration approves the use of
20 medical marijuana in a form or derivative different than provided for in this Part for
21 any debilitating medical condition specifically identified in this Paragraph, the
22 disease state shall remain covered by the provisions of this Part. The patient shall
23 first be treated by the approved form or derivative of medical marijuana through
24 utilization of step therapy or fail first protocols. If, after use of the United States
25 Food and Drug Administration approved form or derivative of medical marijuana,
26 the physician determines that the preferred treatment required under step therapy or
27 fail first protocol has been ineffective in the treatment of the patient's debilitating
28 medical condition, he may recommend the form of medical marijuana provided for
29 in this Part for use by the patient as medically necessary.

1 (3) For purposes of this Part, "recommend" or "recommended" means an
2 order from a physician domiciled in Louisiana and licensed and in good standing
3 with the Louisiana State Board of Medical Examiners and authorized by the board
4 to recommend medical marijuana that is patient-specific and disease-specific in
5 accordance with Paragraph (2) of this Subsection, and is communicated by any
6 means allowed by the Louisiana Board of Pharmacy to a Louisiana-licensed
7 pharmacist in a Louisiana-permitted dispensing pharmacy as described in Subsection
8 G of this Section, and is preserved on file as required by Louisiana law or federal law
9 regarding medical marijuana.

10 (4) Physicians ~~shall~~ may recommend use of medical marijuana for treatment
11 of debilitating medical conditions in accordance with rules and regulations
12 promulgated by the Louisiana State Board of Medical Examiners.

13 (5) Any member of the public may petition the Louisiana State Board of
14 Medical Examiners for the addition of serious medical conditions and medical
15 marijuana treatment options.

16 (6) The Louisiana State Board of Medical Examiners shall submit to the
17 Senate and House committees on health and welfare on an annual basis not less than
18 sixty days prior to the beginning of the regular session of the legislature a report as
19 to any additional diseases or medical conditions that ~~should~~ will be added to the list
20 of eligible diseases and conditions for recommendation pursuant to review of public
21 notice and comment.

22 * * *

23 G.(1) The Louisiana Board of Pharmacy shall develop an annual,
24 nontransferable specialty license for a pharmacy to dispense recommended
25 marijuana for therapeutic use and shall limit the number of such licenses granted in
26 the state to no more than ten licensees. The Louisiana Board of Pharmacy shall
27 develop rules and regulations regarding the geographical locations of dispensing
28 pharmacies in Louisiana.

1 (2) Pharmacists licensed pursuant to this Section may dispense marijuana
2 preparations and marijuana paraphernalia to patients enrolled in the state-sponsored
3 medical marijuana program in Louisiana, their caregivers, and minor patients'
4 domiciliary parents.

5 (3) Licensed dispensing pharmacies may not dispense raw or crude
6 marijuana to patients, patients' parents, or caregivers.

7 (4) No patient enrolled in the state-sponsored medical marijuana program
8 may smoke marijuana or marijuana preparations. A qualifying patient may vaporize
9 marijuana preparations.

10 (5)(a) For the purposes of this Subsection, "marijuana paraphernalia" means
11 objects used, intended for use, or designated for use in preparing, storing, ingesting,
12 vaporizing, or otherwise introducing medical marijuana into the human body. The
13 term does not include objects meant for smoking marijuana.

14 (b) For the purposes of this Subsection, "marijuana preparations" means
15 liquids, oils, pills, and salves containing marijuana or marijuana extracts, marijuana-
16 infused edibles and beverages, and any other preparations of marijuana that are
17 consistent with the rules adopted by the Louisiana Board of Pharmacy.

18 (c) For the purposes of this Subsection, "vaporize" means heating below the
19 point of combustion.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 579 Original

2018 Regular Session

James

Abstract: Provides relative to the La. Board of Medical Examiners and the La. Board of Pharmacy in authorizing marijuana for therapeutic use.

Present law authorizes licensed physicians to recommend in any form, with specific exceptions, tetrahydrocannabinols (THC) or chemical derivatives of THC for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition.

Proposed law provides that licensed physicians may recommend marijuana or marijuana preparations for therapeutic use for patients suffering from a debilitating medical condition.

Proposed law provides that licensed pharmacists may dispense marijuana preparations and marijuana paraphernalia to patients enrolled in the state-sponsored medical marijuana program in Louisiana, their caregivers, and minor patients' domiciliary parents.

Present law defines debilitating medical conditions as: 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.

Proposed law adds to the list: glaucoma, severe muscle spasms, intractable pain, and post traumatic stress disorder.

Proposed law adds and defines intractable pain as 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.

(Amends R.S. 40:1046(A) and (G))