

2018 Regular Session

HOUSE BILL NO. 627

BY REPRESENTATIVES LYONS, ARMES, BAGNERIS, BILLIOT, BOUIE, BRASS, CHAD BROWN, CARPENTER, GARY CARTER, COX, FALCONER, GAINES, GLOVER, HALL, JIMMY HARRIS, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JORDAN, TERRY LANDRY, LEGER, MARINO, NORTON, PIERRE, AND SMITH

EXCEP PERSON/DEV DISABLE: Authorizes the recommendation of medical marijuana for treating certain health conditions of persons with autism

1 AN ACT

2 To amend and reenact R.S. 40:1046(A)(2) and R.S. 40:1046(A)(2) as amended and
3 reenacted by Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature
4 of Louisiana, relative to health conditions for which a recommendation or
5 prescription of medical marijuana is authorized; to authorize the recommendation of
6 or prescription for medical marijuana in treating certain conditions associated with
7 autism spectrum disorder; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1046(A)(2) is hereby amended and reenacted to read as follows:

10 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;

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

15 A.

16 * * *

17 (2)(a) For purposes of this Subsection, "debilitating medical condition"

18 means ~~cancer, positive status for human immunodeficiency virus, acquired immune~~

1 ~~deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy,~~
2 ~~spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis: any of the~~
3 ~~following:~~

4 (i) Cancer.

5 (ii) Positive status for human immunodeficiency virus.

6 (iii) Acquired immune deficiency syndrome.

7 (iv) Cachexia or wasting syndrome.

8 (v) Seizure disorders.

9 (vi) Epilepsy.

10 (vii) Spasticity.

11 (viii) Crohn's disease.

12 (ix) Muscular dystrophy.

13 (x) Multiple sclerosis.

14 (xi) Any of the following conditions associated with autism spectrum
15 disorder:

16 (aa) Repetitive or self-stimulatory behavior of such severity that the physical
17 health of the person with autism is jeopardized.

18 (bb) Avoidance of others or inability to communicate of such severity that
19 the physical health of the person with autism is jeopardized.

20 (cc) Self-injuring behavior.

21 (dd) Physically aggressive or destructive behavior.

22 (b) No physician shall recommend medical marijuana for treatment of any
23 condition associated with autism spectrum disorder for a patient who is under the age
24 of eighteen unless the physician is a pediatric subspecialist licensed by the Louisiana
25 State Board of Medical Examiners and credentialed by the Louisiana Board of
26 Pharmacy.

27 (c) If the United States Food and Drug Administration approves the use of
28 medical marijuana in the same form provided for in this Part for any debilitating

1 medical condition specifically identified in this Paragraph, that medical condition
2 shall no longer be covered by the provisions of this Part.

3 (c) (d) If the United States Food and Drug Administration approves the use
4 of medical marijuana in a form or derivative different than provided for in this Part
5 for any debilitating medical condition specifically identified in this Paragraph, the
6 disease state shall remain covered by the provisions of this Part. The patient shall
7 first be treated by the approved form or derivative of medical marijuana through
8 utilization of step therapy or fail first protocols. If, after use of the United States
9 Food and Drug Administration approved form or derivative of medical marijuana,
10 the physician determines that the preferred treatment required under step therapy or
11 fail first protocol has been ineffective in the treatment of the patient's debilitating
12 medical condition, he may recommend the form of medical marijuana provided for
13 in this Part for use by the patient as medically necessary.

14 * * *

15 Section 2. R.S. 40:1046(A)(2) as amended and reenacted by Section 2 of Act No.
16 96 of the 2016 Regular Session of the Legislature of Louisiana is hereby amended and
17 reenacted to read as follows:

18 Section 2. R.S. 40:1046 is hereby amended and reenacted to read as follows:
19 §1046. Prescription of marijuana for therapeutic use; rules and regulations;
20 Louisiana Board of Pharmacy and the adoption of rules and
21 regulations relating to the dispensing of prescribed marijuana for
22 therapeutic use; the Department of Agriculture and Forestry and the
23 licensure of a production facility
24 A.

25 * * *

26 **(2)(a) For purposes of this Subsection, "debilitating medical**
27 **condition" means cancer, positive status for human immunodeficiency**
28 **virus, acquired immune deficiency syndrome, cachexia or wasting**

1 ~~syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease,~~
2 ~~muscular dystrophy, or multiple sclerosis.~~ any of the following:

3 (i) Cancer.

4 (ii) Positive status for human immunodeficiency virus.

5 (iii) Acquired immune deficiency syndrome.

6 (iv) Cachexia or wasting syndrome.

7 (v) Seizure disorders.

8 (vi) Epilepsy.

9 (vii) Spasticity.

10 (viii) Crohn's disease.

11 (ix) Muscular dystrophy.

12 (x) Multiple sclerosis.

13 (xi) Any of the following conditions associated with autism
14 spectrum disorder:

15 (aa) Repetitive or self-stimulatory behavior of such severity that
16 the physical health of the person with autism is jeopardized.

17 (bb) Avoidance of others or inability to communicate of such
18 severity that the physical health of the person with autism is jeopardized.

19 (cc) Self-injuring behavior.

20 (dd) Physically aggressive or destructive behavior.

21 (b) No physician shall recommend medical marijuana for
22 treatment of any condition associated with autism spectrum disorder for
23 a patient who is under the age of eighteen unless the physician is a
24 pediatric subspecialist licensed by the Louisiana State Board of Medical
25 Examiners and credentialed by the Louisiana Board of Pharmacy.

26 ~~(b)~~(c) If the United States Food and Drug Administration
27 approves the use of medical marijuana in the same form provided for in
28 this Part for any debilitating medical condition specifically identified in

- (1) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.
- (2) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.
- (3) Self-injuring behavior.
- (4) Physically aggressive or destructive behavior.

Proposed law stipulates that no physician shall recommend 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 is a pediatric subspecialist licensed by the La. State Board of Medical Examiners and credentialed by the La. Board of Pharmacy.

Prescription of Medical Marijuana

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed. Defines "debilitating medical condition" to mean 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 retains present law and adds the following conditions associated with autism spectrum disorder as conditions for which physicians may prescribe treatment with medical marijuana if and when such prescribing becomes legal:

- (1) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.
- (2) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.
- (3) Self-injuring behavior.
- (4) Physically aggressive or destructive behavior.

Proposed law stipulates that no physician shall prescribe 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 is a pediatric subspecialist licensed by the La. State Board of Medical Examiners and credentialed by the La. Board of Pharmacy.

(Amends R.S. 40:1046(A)(2) and R.S. 40:1046(A)(2) as amended and reenacted by §2 of Act No. 96 of 2016 R.S.)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Stipulate that no physician shall recommend or prescribe 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 is a pediatric

subspecialist licensed by the La. State Board of Medical Examiners and credentialed by the La. Board of Pharmacy.

2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes with respect to the manner by which proposed law amends present law relative to prescribing of medical marijuana (§2 of Act No. 96 of 2016 R.S.).