

RÉSUMÉ DIGEST

ACT 708 (HB 579)

2018 Regular Session

James

Recommendation of Medical Marijuana

Existing law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to recommend tetrahydrocannabinols (commonly referred to as "medical marijuana"), or chemical derivatives thereof, for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. 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.

New law retains existing law and adds the following to the set of conditions for which medical marijuana may be recommended:

- (1) Glaucoma.
- (2) Severe muscle spasms.
- (3) Intractable pain.
- (4) Post-traumatic stress disorder.
- (5) Parkinson's disease.

New law 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. Provides further that intractable pain is pain so chronic and severe as to otherwise warrant an opiate prescription.

New law stipulates that employers and their worker's compensation insurers shall not be obliged or ordered to pay for recommended medical marijuana in claims arising under existing law relative to worker's compensation.

Prescription of Medical Marijuana

Existing 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.

New law retains existing law and adds the following to the set of conditions for which medical marijuana may be prescribed:

- (1) Glaucoma.
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- (3) Intractable pain.
- (4) Post-traumatic stress disorder.

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none has been found after reasonable efforts. Provides further that intractable pain is pain so chronic and severe as to otherwise warrant an opiate prescription.

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Effective August 1, 2018.

(Amends R.S. 40:1046(A)(1) and (2) and (J) and R.S. 40:1046(A)(1) and (2) and (J) as amended and reenacted by §2 of Act No. 96 of the 2016 R.S.; Adds R.S. 40:1046(K) and R.S. 40:1046(K) of §2 of Act No. 96 of the 2016 R.S.)