
DIGEST

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HB 819 Engrossed

2020 Regular Session

Bagley

Abstract: Authorizes the recommendation of medical marijuana by physicians for treating additional conditions and authorizes any state-licensed physician to recommend medical marijuana.

Present law authorizes physicians who are licensed by and in good standing with the La. State Board of Medical Examiners to recommend medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Defines "debilitating medical condition" to mean cancer, glaucoma, Parkinson's disease, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, severe muscle spasms, intractable pain, Crohn's disease, muscular dystrophy, multiple sclerosis, post traumatic stress disorder, and certain conditions associated with autism spectrum disorder.

Proposed law retains present law and adds all of the following to the list of debilitating medical conditions which qualify a patient for treatment with medical marijuana:

- (1) Alzheimer's disease.
- (2) Amyotrophic lateral sclerosis.
- (3) Huntington's disease.
- (4) Lewy body dementia.
- (5) Motor neuron disease.
- (6) Spinal muscular atrophy.
- (7) Chronic pain associated with fibromyalgia.
- (8) Chronic pain associated with sickle cell disease.
- (9) Any condition for which a patient is receiving hospice care or palliative care.
- (10) Any condition not otherwise specified in present law or proposed law that a physician, in his medical opinion, considers debilitating to an individual patient and is qualified through his

medical education and training to treat.

Present law defines "recommend", with respect to medical marijuana, as an order from a physician licensed by and in good standing with the La. State 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, is communicated by any means allowed by the La. Board of Pharmacy to a state-licensed pharmacist in a state-permitted dispensing pharmacy as described in present law, and is preserved on file as required by present law. Proposed law amends the definition of "recommend" to read as follows:

"[The] opinion of any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners, provided within a bona fide doctor-patient relationship, that, in the sincere judgment of the physician, therapeutic cannabis may be helpful to the patient's condition or symptoms and is communicated by any means allowed by the Louisiana Board of Pharmacy."

Proposed law repeals present law requiring that physicians recommend medical marijuana in accordance with rules and regulations promulgated by the La. State Board of Medical Examiners.

Proposed law repeals present law requiring the La. State Board of Medical Examiners to promulgate rules and regulations authorizing physicians to recommend medical marijuana to patients.

(Amends R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4); Adds R.S. 40:1046(A)(2)(a)(xvii)-(xxii); Repeals R.S. 40:1046(B))

Summary of Amendments Adopted by House

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

1. Add the following to the list of debilitating medical conditions provided in present law which qualify a patient for treatment with medical marijuana:
 - a. Alzheimer's disease.
 - b. Amyotrophic lateral sclerosis.
 - c. Huntington's disease.
 - d. Lewy body dementia.
 - e. Motor neuron disease.
 - f. Spinal muscular atrophy.

- g. Chronic pain associated with fibromyalgia.
 - h. Chronic pain associated with sickle cell disease.
 - i. Any condition for which a patient is receiving hospice care or palliative care.
 - j. Any condition not otherwise specified in present law or proposed law that a physician, in his medical opinion, considers debilitating to an individual patient and is qualified through his medical education and training to treat.
2. Amend the definition of "recommend", for purposes of present law and proposed law relative to medical marijuana, to provide that the term shall mean the opinion of any physician licensed by and in good standing with the La. State Board of Medical Examiners, provided within a bona fide doctor-patient relationship, that, in his sincere judgment, therapeutic cannabis may be helpful to the patient's condition or symptoms and is communicated by any means allowed by the La. Board of Pharmacy.
 3. Repeal present law requiring that physicians recommend medical marijuana in accordance with rules and regulations promulgated by the La. State Board of Medical Examiners.
 4. Repeal present law requiring the La. State Board of Medical Examiners to promulgate rules and regulations authorizing physicians to recommend medical marijuana to patients.