

RÉSUMÉ DIGEST

ACT 286 (HB 819)

2020 Regular Session

Bagley

Existing 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.

New law 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 existing law or new 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.

Prior law defined "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, is communicated by any means allowed by the La. Board of Pharmacy to a state-licensed pharmacist in a state-permitted dispensing pharmacy, and is preserved on file as required by any state or federal existing law regarding medical marijuana. New law amends the definition of "recommend", with respect to medical marijuana, to read as follows:

"[Any] 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."

New law repeals prior law which required that physicians recommend medical marijuana in accordance with rules and regulations promulgated by the La. State Board of Medical Examiners.

New law repeals prior law which required the La. State Board of Medical Examiners to promulgate rules and regulations concerning the recommendation of medical marijuana to patients by physicians.

Existing law requires that a person who recommends and person who dispenses medical marijuana shall review the patient's information in the database of the prescription monitoring program provided for in existing law, R.S. 40:1001 et seq., prior to the recommending and dispensing of medical marijuana. New law requires that any person who

dispenses medical marijuana shall comply with the reporting requirements of the prescription monitoring program.

Effective Aug. 1, 2020.

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