

2021 Regular Session

HOUSE RESOLUTION NO. 113

BY REPRESENTATIVE MARINO

A RESOLUTION

To create a special legislative commission to study the laws and regulations of this state pertaining to cultivation, extraction, pharmaceutical and therapeutic use, distribution, and researching of marijuana; to evaluate and identify best practices and regulatory improvements to effectuate the recent legislative expansion of Louisiana's medical marijuana program; and to report findings and recommendations concerning these matters to the Speaker of the House of Representatives of the Legislature of Louisiana.

WHEREAS, though medical marijuana did not become available to patients in Louisiana until 2019, the therapeutic use of marijuana in this state has been authorized in law since 1978, when Act No. 725 of the 1978 Regular Session of the legislature was enacted; and

WHEREAS, the legislature subsequently enacted Act No. 874 of the 1991 Regular Session and Act No. 261 of the 2015 Regular Session, the Alison Neustrom Act, in efforts to facilitate access by patients to medical marijuana; and

WHEREAS, the 2015 legislation established the Louisiana Board of Pharmacy as the regulatory authority for the dispensing of recommended marijuana for therapeutic use for treating conditions such as glaucoma, cancer, and spastic quadriplegia; and

WHEREAS, this legislation also established the Louisiana Department of Agriculture and Forestry as the regulatory authority for the cultivation and production of medical marijuana; and

WHEREAS, in 2018, the legislature enacted several laws expanding the statutorily provided list of conditions qualifying patients for treatment with medical marijuana, adding post-traumatic stress disorder, autism, and chronic pain as qualifying conditions; and

WHEREAS, Act No. 286 of the 2020 Regular Session dramatically expanded the authorization for use of medical marijuana by adding to the statutory list of qualifying conditions Alzheimer's disease, amyotrophic lateral sclerosis, Huntington's disease, Lewy body dementia, motor neuron disease, Parkinson's disease, spinal muscular atrophy, traumatic brain injury, concussion, chronic pain associated with fibromyalgia, chronic pain associated with sickle cell disease, and, most significantly, any condition not otherwise specified in the state's medical marijuana law, R.S. 40:1046, that a physician, in his medical opinion, considers debilitating to an individual patient and is qualified through his medical education and training to treat; and

WHEREAS, over the past several years, the set of authorized forms of medical marijuana in this state has also been expanded to include metered dose inhalers, oils, extracts, tinctures, sprays, capsules, pills, solutions, suspensions, gelatin-based chewables, lotions, transdermal patches, and suppositories; and

WHEREAS, as of the date of filing of this Resolution, a bill is pending in the legislature to repeal the prohibition on therapeutic use of marijuana in raw or crude form and thereby permit a smokeable form of medical marijuana; this bill, House Bill No. 391 of the 2021 Regular Session, achieved final passage in both the House and Senate with over a two-thirds majority of the elected members of the legislature voting yea on the measure; and

WHEREAS, with the significant expansion of permitted uses, access to physician recommendations, and methods of delivery of medical marijuana for patients, a careful review and study by policymakers of the laws and regulations on cultivation, production, and distribution of medical marijuana could lead to improved patient access and enhanced opportunities for public and private research and development institutions to study and improve this treatment; and

WHEREAS, such a study effort could also identify means by which public and private institutions in Louisiana such as universities, health systems, bioscience centers, research and development entities, political subdivisions, and economic development organizations can meaningfully participate in research and development related to therapeutic marijuana, thereby resulting in new investments and jobs in this state.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby create a special legislative commission to study the laws and regulations of this state pertaining to cultivation, extraction, pharmaceutical and therapeutic use, distribution, and researching of marijuana.

BE IT FURTHER RESOLVED that the special commission shall be composed of the following members:

(1) The chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development or his designee.

(2) One member of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development appointed by the speaker of the House of Representatives.

(3) Two members of the House Committee on Health and Welfare appointed by the speaker of the House of Representatives.

(4) Two members of the House Committee on Administration of Criminal Justice appointed by the speaker of the House of Representatives.

(5) The speaker of the House of Representatives or his designee.

BE IT FURTHER RESOLVED that the special commission shall do all of the following:

(1) Determine whether the current regulatory structure of this state allows for patients to timely receive physician-recommended medical marijuana in a manner that is consistent with best medical care and practice.

(2) Produce estimates of patient care needs based on the expansion of Louisiana's medical marijuana program over the past six years and identify regulations that require reform as a result of this expansion.

(3) Evaluate whether issues with availability of marijuana for therapeutic use have occurred over the prior one-year period and determine if any regulatory reforms can address those issues and ensure that medical marijuana will be available on a reliable basis.

(4) Evaluate Louisiana's current cost structure for medical marijuana compared to that of other markets and evaluate whether any regulatory reform can decrease the cost of medical marijuana to Louisiana patients.

(5) Identify best practices, economic models, and analogous programs of other states to determine whether regulatory reforms are necessary with respect to the number of cultivators, extractors, pharmacies, and dispensers.

(6) Identify whether regulatory reforms could assist in encouraging investment by public and private entities such as universities, health systems, bioscience centers, research and development entities, political subdivisions, and economic development organizations in research and development of therapeutic marijuana.

(7) Recommend any necessary reforms in policies and regulations to be implemented by the Louisiana Board of Pharmacy, the Louisiana Department of Agriculture and Forestry, and any other state agency, board, or commission to advance patient care and to promote research and development of medical marijuana.

BE IT FURTHER RESOLVED that the Louisiana Department of Health, Louisiana Department of Agriculture and Forestry, Louisiana Board of Pharmacy, Department of Economic Development, Louisiana Department of Revenue, and legislative auditor may provide any necessary support to carry out the purposes of this Resolution.

BE IT FURTHER RESOLVED that the special commission shall convene no later than September 1, 2021, shall elect a chairperson from among its members at its first meeting, and shall report its findings and recommendations to the speaker of the House of Representatives no later than February 1, 2022.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health, the commissioner of agriculture, the executive director of the Louisiana Board of Pharmacy, the secretary of the Department of Economic Development, the secretary of the Louisiana Department of Revenue, and the legislative auditor.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES