

1 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;
2 Louisiana Board of Pharmacy and the adoption of rules and regulations
3 relating to the dispensing of recommended marijuana for therapeutic use; the
4 Department of Agriculture and Forestry and the licensure of a production
5 facility

6 A.(1) Notwithstanding any other provision of this Part, a physician licensed
7 by and in good standing with the Louisiana State Board of Medical Examiners to
8 practice medicine in this state ~~and who is domiciled in this state~~ may recommend,
9 in any form as permitted by the rules and regulations of the Louisiana Board of
10 Pharmacy except for ~~inhalation,~~ and raw or crude marijuana, tetrahydrocannabinols;
11 or a chemical derivative of tetrahydrocannabinols for therapeutic use by ~~patients~~ any
12 patient clinically diagnosed as suffering from a debilitating medical condition.

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14 (3) For purposes of this Part, "recommend" or "recommended" means an
15 order from a physician ~~domiciled in Louisiana and~~ licensed by and in good standing
16 with the Louisiana State Board of Medical Examiners and authorized by the board
17 to recommend medical marijuana that is patient-specific and disease-specific in
18 accordance with Paragraph (2) of this Subsection, and is communicated by any
19 means allowed by the Louisiana Board of Pharmacy to a Louisiana-licensed
20 pharmacist in a Louisiana-permitted dispensing pharmacy as described in Subsection
21 G of this Section, and is preserved on file as required by Louisiana law or federal law
22 regarding medical marijuana.

23 (4) ~~Physicians~~ A physician licensed to practice medicine in Louisiana may
24 recommend medical marijuana to any patient suffering from a debilitating medical
25 condition with whom he shares a bona fide doctor-patient relationship and shall
26 recommend use of medical marijuana for treatment of debilitating medical
27 conditions in accordance with rules and regulations promulgated by the Louisiana
28 State Board of Medical Examiners.

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Present law provides that physicians shall recommend use of medical marijuana for treatment of debilitating medical conditions in accordance with rules and regulations of the La. State Board of Medical Examiners. Proposed law retains present law and adds provisions authorizing a physician to recommend medical marijuana to any patient suffering from a debilitating medical condition with whom he shares a bona fide doctor-patient relationship.

Proposed law deletes all of the following provisions of present law:

- (1) Provisions that refer to the prescribing of medical marijuana.
- (2) Provisions that are contingent upon the reclassification of marijuana within federal controlled substances schedules by the U.S. Drug Enforcement Administration.
- (3) Provisions that are contingent upon approval of marijuana for medical use by the U.S. Food and Drug Administration.
- (4) Provisions requiring that food-grade ethanol extraction be used in the production of medical marijuana.
- (5) Provisions requiring the La. State Board of Medical Examiners to submit to the legislative committees on health and welfare an annual report as to any additional diseases or medical conditions that should be added to the list of debilitating medical conditions established in present law.

(Amends R.S. 40:1046(A)(1), (3), (4), and (H)(1)(a); Repeals R.S. 40:1046(A)(2)(d), (e), and (5) and §§2 and 4 of Act No. 96 of the 2016 R.S.)