

**HOUSE SUMMARY OF SENATE AMENDMENTS**

HB 358

2019 Regular Session

James

DRUGS/CONTROLLED: Provides relative to marijuana for therapeutic use

**Synopsis of Senate Amendments**

1. Restores present law prohibiting qualified physicians from recommending medical marijuana in inhalation form.
2. Provides that nothing in present law or proposed law shall be construed to prevent the La. Board of Pharmacy from permitting, by rule, medical marijuana in a form to be administered by metered-dose inhaler. Provides that for purposes of proposed law, "metered-dose inhaler" means a device that delivers a specific amount of medication to the lungs in the form of a short burst of medicine that is usually self-administered by the patient via inhalation.
3. Amends present law prohibiting a physician from recommending medical marijuana for treatment of a minor's condition associated with autism spectrum disorder unless the physician consults with a pediatric subspecialist by adding the following definition:

For purposes of present law, "pediatric subspecialist" means an individual licensed to practice medicine in any state in the United States who provides care to patients with autism spectrum disorder.

**Digest of Bill as Finally Passed by Senate**

Present law authorizes physicians who are domiciled in this state and 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 deletes the requirement that the physician be domiciled in this state; otherwise, retains present law.

Present law authorizes physicians with the necessary qualifications to recommend medical marijuana in any form as permitted by the rules and regulations of the La. Board of Pharmacy except for inhalation and raw or crude marijuana. Proposed law retains present law and stipulates that nothing in present law or proposed law shall be construed to prevent the La. Board of Pharmacy from permitting, by rule, medical marijuana in a form to be administered by metered-dose inhaler. Provides that for purposes of proposed law, "metered-dose inhaler" means a device that delivers a specific amount of medication to the lungs in the form of a short burst of medicine that is usually self-administered by the patient via inhalation.

Present law requires that physicians recommend 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.

Present law prohibits a physician from recommending medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of 18 unless the physician consults with a pediatric subspecialist. Proposed law retains present law and provides that for purposes of present law, "pediatric subspecialist" means an individual licensed to practice medicine in any state in the United States who provides care to patients with autism spectrum disorder.

Proposed law repeals 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), (2)(b), (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.)