

2020 Regular Session

HOUSE BILL NO. 819

BY REPRESENTATIVES BAGLEY, ADAMS, BRASS, BROWN, BRYANT, CARPENTER, GARY CARTER, WILFORD CARTER, CORMIER, COX, DUPLESSIS, FREEMAN, GREEN, HUGHES, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, LACOMBE, LARVADAIN, LYONS, MARINO, SELDERS, STAGNI, AND WILLARD

1 AN ACT

2 To amend and reenact R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4) and (F), to enact R.S.
3 40:1046(A)(2)(a)(xvii) through (xxii), and to repeal R.S. 40:1046(B), relative to
4 recommendation by physicians of marijuana for therapeutic use, known commonly
5 as medical marijuana; to provide relative to the authorization for physicians to
6 recommend medical marijuana; to provide for medical conditions which qualify a
7 patient for treatment with medical marijuana; to authorize the recommendation of
8 medical marijuana by a physician in treating certain specified conditions and any
9 other medical condition that he is qualified to treat; to require dispensing pharmacies
10 to record dispensed medical marijuana in the prescription monitoring program
11 database; to repeal requirements for the Louisiana State Board of Medical Examiners
12 to issue rules and regulations concerning the recommendation of medical marijuana
13 by physicians; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4) and (F) are hereby amended
16 and reenacted and R.S. 40:1046(A)(2)(a)(xvii) through (xxii) are hereby enacted to read as
17 follows:

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

7 A.(1) Notwithstanding any other provision of this Part, a any physician
8 licensed by and in good standing with the Louisiana State Board of Medical
9 Examiners to practice medicine in this state may recommend, in any form as
10 permitted by the rules and regulations of the Louisiana Board of Pharmacy except
11 for inhalation, and raw or crude marijuana, tetrahydrocannabinols or a chemical
12 derivative of tetrahydrocannabinols for therapeutic use by any patient clinically
13 diagnosed as suffering from a debilitating medical condition. Nothing in this
14 Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from
15 permitting, by rule, medical marijuana in a form to be administered by metered-dose
16 inhaler. For purposes of this Section, "metered-dose inhaler" means a device that
17 delivers a specific amount of medication to the lungs, in the form of a short burst of
18 medicine that is usually self-administered by the patient via inhalation.

19 (2)(a) For purposes of this Subsection, "debilitating medical condition"
20 means any of the following:

21 * * *

22 (iii) ~~Parkinson's disease.~~ Any of the following neurodegenerative diseases
23 and conditions:

24 (aa) Alzheimer's disease.

25 (bb) Amyotrophic lateral sclerosis.

26 (cc) Huntington's disease.

27 (dd) Lewy body dementia.

28 (ee) Motor neuron disease.

29 (ff) Parkinson's disease.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (gg) Spinal muscular atrophy.

2 * * *

3 (xvii) Traumatic brain injury.

4 (xviii) A concussion diagnosed by a physician.

5 (xix) Chronic pain associated with fibromyalgia.

6 (xx) Chronic pain associated with sickle cell disease.

7 (xxi) Any condition for which a patient is receiving hospice care or palliative
8 care.

9 (xxii) Any condition not otherwise specified in this Subparagraph that a
10 physician, in his medical opinion, considers debilitating to an individual patient and
11 is qualified through his medical education and training to treat.

12 * * *

13 (3) For purposes of this Part, "recommend" or "recommended" means an
14 ~~order from a physician licensed by and in good standing with the Louisiana State~~
15 ~~Board of Medical Examiners and authorized by the board to recommend medical~~
16 ~~marijuana that is patient-specific and disease-specific in accordance with Paragraph~~
17 ~~(2) of this Subsection, and is communicated by any means allowed by the Louisiana~~
18 ~~Board of Pharmacy to a Louisiana-licensed pharmacist in a Louisiana-permitted~~
19 ~~dispensing pharmacy as described in Subsection G of this Section, and is preserved~~
20 ~~on file as required by Louisiana law or federal law regarding medical marijuana~~
21 opinion of any physician licensed by and in good standing with the Louisiana State
22 Board of Medical Examiners, provided within a bona fide doctor-patient relationship,
23 that, in the sincere judgment of the physician, therapeutic cannabis may be helpful
24 to the patient's condition or symptoms and is communicated by any means allowed
25 by the Louisiana Board of Pharmacy.

26 (4) ~~A~~ Any physician licensed by and in good standing with the Louisiana
27 State Board of Medical Examiners to practice medicine in Louisiana may
28 recommend medical marijuana to any patient suffering from a debilitating medical
29 condition with whom he shares a bona fide doctor-patient relationship ~~and shall~~
30 ~~recommend use of medical marijuana for treatment of debilitating medical~~

1 ~~conditions in accordance with rules and regulations promulgated by the Louisiana~~
2 ~~State Board of Medical Examiners.~~

3 * * *

4 F.(1) A person who recommends and a person who dispenses marijuana,
5 tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols pursuant
6 to this Section shall review the patient's information in the database of the
7 prescription monitoring program established in R.S. 40:1001 et seq. prior to the
8 recommending and dispensing thereof.

9 (2) Any person who dispenses marijuana, tetrahydrocannabinols, or a
10 chemical derivative of tetrahydrocannabinols pursuant to this Section shall comply
11 with the reporting requirements of the prescription monitoring program established
12 in R.S. 40:1001 et seq.

13 * * *

14 Section 2. R.S. 40:1046(B) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____