

# ACT No. 286

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                   (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~~

