

SENATE BILL NO. 270

BY SENATOR JACKSON-ANDREWS

1 AN ACT

2 To enact R.S. 40:1046.5, relative to medical marijuana; to allow for the use of medical
3 marijuana by a terminally ill patient in a healthcare facility; to provide for
4 requirements; to provide for prohibitions; to provide for applicability; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1046.5 is hereby enacted to read as follows:

8 **§1046.5. Access to medical marijuana in a healthcare facility**

9 **A. As used in this Section the following definitions shall apply:**

10 **(1) "Healthcare facility" means a healthcare facility licensed pursuant**
11 **to R.S. 40:2006(A)(2). Healthcare facility shall not mean any freestanding or**
12 **distinct part unit of a hospital providing behavioral health services or any**
13 **emergency or outpatient department of a hospital.**

14 **(2) "Medical marijuana" means marijuana for therapeutic use produced**
15 **and recommended to a patient in accordance with R.S. 40:1046.**

16 **(3) "Patient" means a person who has a terminal and irreversible**
17 **condition as defined by R.S. 40:1151.1 and maintains a current recommendation**
18 **to use medical marijuana.**

19 **B. A healthcare facility shall permit patient use of medical marijuana**
20 **and shall:**

21 **(1) Prohibit smoking or vaping as methods to use medical marijuana.**

22 **(2) Include the use of medical marijuana within the patient's medical**
23 **records.**

24 **(3) Require a patient to provide a copy of the patient's recommendation**
25 **for medical marijuana pursuant to R.S. 40:1046.**

1 (4) Require a patient or a primary caregiver to be responsible for
2 acquiring, retrieving, administering, and removing medical marijuana.

3 (5) Subject to the policy adopted by the healthcare facility, require
4 medical marijuana to be stored securely at all times in a locked container
5 provided by the patient in the patient's room, other designated area, or with the
6 patient's primary caregiver.

7 (6) Prohibit health care professionals, healthcare facility staff, including
8 but not limited to physicians, nurses, and pharmacists, from administering,
9 storing, retrieving, or assisting the patient with the medical marijuana.

10 (7) Upon discharge, all remaining medical marijuana shall be removed
11 by the patient or patient's primary caregiver. If a patient cannot remove the
12 medical marijuana and does not have a primary caregiver that is available to
13 remove the medical marijuana, the medical marijuana shall be disposed of in
14 accordance with the health facility policy and procedure governing medical
15 marijuana.

16 (8) Develop, disseminate, and train health facility staff on the written
17 guidelines developed by the facility for patient use of medical marijuana within
18 the health care facility pursuant to this Section.

19 C. The provisions of this Section shall not require a healthcare facility
20 to provide a terminally ill patient with a recommendation to use medical
21 marijuana or include medical marijuana in a patient's discharge plan.

22 D. Compliance with this Section shall not be a condition for obtaining,
23 retaining, or renewing a license as a healthcare facility.

24 E. If a federal regulatory agency, the United States Department of
25 Justice, or the Centers for Medicare and Medicaid Services takes one of the
26 following actions against a healthcare facility, then all healthcare facilities may
27 suspend compliance with the provisions of this Section until the federal
28 regulatory agency, the United States Department of Justice, or the Centers for
29 Medicare and Medicaid Services notifies the healthcare facility that it may
30 resume allowing the use of medical marijuana within the facility:

1 (1) A federal regulatory agency or the United States Department of
2 Justice initiates enforcement action against a healthcare facility related to the
3 facility's compliance with a state-regulated medical marijuana program.

4 (2) A federal regulatory agency, the United States Department of Justice,
5 or the Centers for Medicare and Medicaid Services issues a rule or otherwise
6 provides notification to the healthcare facility that expressly prohibits the use
7 of medical marijuana in healthcare facilities or otherwise prohibits compliance
8 with a state-regulated medical marijuana program.

9 F. A healthcare facility shall not prohibit a terminally ill patient's use of
10 medical marijuana due solely to the fact that marijuana is a Schedule I drug
11 pursuant to the federal Uniform Controlled Substances Act or other federal
12 constraints on the use of medical marijuana that were in existence prior to the
13 enactment of this Section.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____