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DIGEST

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SB 271 Reengrossed

2016 Regular Session

Mills

Present law provides for medical marijuana to be prescribed. Proposed law changes prescribed to recommended.

Present law provides that medical marijuana can be prescribed for glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment and spastic quadriplegia.

Proposed law changes the disease states to debilitating medical conditions (cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis).

Proposed law will no longer apply to any debilitating medical condition covered by proposed law for which the U.S. Food and Drug Administration (U.S. FDA) approves the use of medical marijuana in the same form provided for in proposed law.

Proposed law will continue to apply to any debilitating medical condition covered by proposed law for which the U.S. Food and Drug Administration (U.S. FDA) approves the use of medical marijuana or a derivative in a form not provided for in proposed law. Proposed law requires a patient to first be treated by the approved form or derivative of medical marijuana through utilization of step therapy or fail first protocols. If the physician determines that the preferred treatment required under step therapy or fail first protocol has been ineffective in the treatment of the patient's debilitating medical condition, he may prescribe the form of medical marijuana pursuant to proposed law for use by the patient as medically necessary.

Proposed law adds a definition of "recommend" or "recommended" as an order from a physician domiciled in La. and licensed and in good standing with the La. Board of Medical Examiners and authorized by the board to recommend medical marijuana that is patient-specific and disease-specific in accordance with present law and is communicated by any means allowed by the La. Board of Pharmacy to a La.-licensed pharmacist in a La.-permitted dispensing pharmacy as described in present law and is preserved on file as required by La. law or federal law regarding medical marijuana.

Present law requires the recommending physician to be licensed to practice medicine in this state. Proposed law requires the recommending physician to be licensed by the La. State Board of Medical Examiners, in good standing with the board, and domiciled in La.

Proposed law clarifies that the Louisiana State University Agricultural Center and the Southern University Agricultural Center shall have separate licenses if they exercise their right of first refusal and that they need to make that determination by Sept. 1, 2016.

Proposed law adds authorization for the Dept. of Agriculture and Forestry to obtain criminal history record information on applicants for licensure as a producer of therapeutic marijuana.

Present law provides for reporting and rule promulgation deadlines that have passed. Proposed law repeals deadlines that have passed and instructs the boards to update their rules to reflect the change in proposed law from prescribed to recommended.

Proposed law requires rules promulgated by the Dept. of Agriculture to require food-grade ethanol extraction to be used in order to mitigate the risk of bacterial contamination. Proposed law further requires the rules to require the extraction and refining process to produce a product that is food-safe and capable of producing pharmaceutical-grade products.

Provides a separate effective date for certain provisions of the law that if the U.S. DEA reclassifies marijuana from a Schedule I drug to a Schedule II drug, proposed law will change from authorizing the recommendation by a physician for use of medical marijuana to a prescription by a physician for use of medical marijuana.

Certain provisions of proposed law authorizing the recommendation by a physician for use of medical marijuana will be effective upon signature of the governor or upon lapse of time for gubernatorial action.

(Amends R.S. 40:1046; adds R.S. 40:1047)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Adds spasticity and muscular dystrophy as disease states defined as debilitating medical conditions and removes ancillary language regarding disease state that could have been misinterpreted.
2. Adds provisions granting authorization for the Department of Agriculture and Forestry to obtain criminal history record information on applicants for licensure as a producer of medical marijuana.
3. Clarifies that the Louisiana State University Agricultural Center and the Southern University Agricultural Center shall have separate licenses if they exercise their right of first refusal and that they need to make that determination by September 1, 2016.
4. Provides an alternative effective date to change "recommend" to "prescribe" upon reclassification of marijuana from a Schedule I drug to a Schedule II drug by the United States Drug Enforcement Administration.

Senate Floor Amendments to engrossed bill

1. Changes enacting provision.
2. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill:

1. Make technical changes.
2. Limit the application of proposed law for qualifying conditions for which medical marijuana is approved for use by the FDA.
3. Require step therapy for qualifying conditions for which other forms of medical marijuana are approved for use by the FDA.
4. Remove glaucoma and severe muscle spasms from the list of qualifying conditions.
5. Require the use of food-grade ethanol extraction.
6. Require a product that is food-safe and pharmaceutical-grade.