

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 579

2018 Regular Session

James

PHARMACISTS: Provides relative to the authorization for therapeutic use of marijuana

Synopsis of Senate Amendments

1. Deletes proposed law requiring the La. State Board of Medical Examiners to adopt rules relating to the approval or denial of additional conditions beyond those in present law and proposed law which qualify a patient for a recommendation or prescription for medical marijuana.
2. Deletes proposed law providing that physicians are authorized, but not required, to recommend or prescribe medical marijuana in accordance with rules and regulations of the La. State Board of Medical Examiners, thereby reverting to present law requiring that physicians recommend or prescribe medical marijuana in accordance with those rules and regulations.
3. Deletes proposed law providing that any member of the public may petition the La. State Board of Medical Examiners for the addition of serious medical conditions and medical marijuana treatment options.
4. Deletes proposed law providing for review of public notice and comment prior to the La. State Board of Medical Examiners submitting to the legislative committees on health and welfare an annual report on qualifying conditions for medical marijuana required by present law.
5. Deletes proposed law stipulating that pharmacists licensed pursuant to present law are authorized to dispense medical marijuana to patients enrolled in the state-sponsored medical marijuana program in La., their caregivers, and minor patients' domiciliary parents.
6. Deletes proposed law prohibiting licensed marijuana dispensing pharmacies from dispensing marijuana in forms that are prohibited by present law.

Digest of Bill as Finally Passed by Senate

Recommendation of Medical Marijuana

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to recommend tetrahydrocannabinols (commonly referred to as "medical marijuana"), or chemical derivatives thereof, for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Defines "debilitating medical condition" to mean 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 adds the following to the set of conditions for which medical marijuana may be recommended:

- (1) Glaucoma.
- (2) Severe muscle spasms.

- (3) Intractable pain.
- (4) Post-traumatic stress disorder.
- (5) Parkinson's disease.

Proposed law defines "intractable pain" as a pain state in which the cause of the pain cannot be removed or otherwise treated with the consent of the patient and which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts. Provides further that intractable pain is pain so chronic and severe as to otherwise warrant an opiate prescription.

Proposed law stipulates that employers and their worker's compensation insurers shall not be obliged or ordered to pay for recommended medical marijuana in claims arising under present law relative to worker's compensation.

Prescription of Medical Marijuana

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed. Defines "debilitating medical condition" to mean 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 revises present law to authorize physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe marijuana or marijuana preparations for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Adds the following to the set of conditions for which medical marijuana may be prescribed:

- (1) Glaucoma.
- (2) Severe muscle spasms.
- (3) Intractable pain.
- (4) Post-traumatic stress disorder.

Proposed law defines "intractable pain" as a pain state in which the cause of the pain cannot be removed or otherwise treated with the consent of the patient and which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts. Provides further that intractable pain is pain so chronic and severe as to otherwise warrant an opiate prescription.

Proposed law stipulates that employers and their worker's compensation insurers shall not be obliged or ordered to pay for recommended medical marijuana in claims arising under present law relative to worker's compensation.

(Amends R.S. 40:1046(A)(1) and (2) and (J) and R.S. 40:1046(A)(1) and (2) and (J) as amended and reenacted by §2 of Act No. 96 of the 2016 R.S.; Adds R.S. 40:1046(K) and R.S. 40:1046(K) of §2 of Act No. 96 of the 2016 R.S.)