ENROLLED

2021 Regular Session

HOUSE BILL NO. 391

BY REPRESENTATIVES MAGEE, BRYANT, GARY CARTER, WILFORD CARTER, COX, DUPLESSIS, FREEMAN, GREEN, HUGHES, JAMES, TRAVIS JOHNSON, LANDRY, LARVADAIN, LYONS, MARCELLE, MARINO, NELSON, NEWELL, PIERRE, SELDERS, AND WILLARD

AN ACT

To amend and reenact R.S. 40:1046(A)(1) and (C)(2)(e) and to enact R.S. 40:1046(A)(5) and (C)(2)(l), relative to recommendation by physicians of marijuana for therapeutic use, known also as medical marijuana; to provide for forms of medical marijuana which a physician may recommend; to establish limitations on dispensing of certain forms of medical marijuana; to provide for rules and regulations of the Louisiana Board of Pharmacy relative to medical marijuana; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(A)(1) and (C)(2)(e) are hereby amended and reenacted and R.S. 40:1046(A)(5) and (C)(2)(l) are hereby enacted to read as follows:

§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the Louisiana State Board of Medical Examiners and Louisiana Board of Pharmacy; production facility licensing by the Department of Agriculture and Forestry

A.(1) Notwithstanding any other provision of this Part, any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in this state may recommend, in any form as permitted by the rules and regulations of the Louisiana Board of Pharmacy, except for inhalation, and raw or crude marijuana, tetrahydrocannabinols or a chemical

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derivative of tetrahydrocannabinols for therapeutic use by any patient clinically
diagnosed as suffering from a debilitating medical condition. Nothing in this
Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from
permitting, by rule, medical marijuana in a form to be administered by metered-dose
inhaler. For purposes of this Section, "metered-dose inhaler" means a device that
delivers a specific amount of medication to the lungs, in the form of a short burst of
medicine that is usually self-administered by the patient via inhalation.

* * *

(5)(a) No pharmacy authorized to dispense marijuana for therapeutic use in
accordance with the provisions of this Section shall dispense more than two and one-
half ounces, or seventy-one grams, of raw or crude marijuana every fourteen days
to any individual patient.

(b) No pharmacy authorized to dispense marijuana for therapeutic use in
accordance with the provisions of this Section shall dispense raw or crude marijuana
to any person under twenty-one years of age without a recommendation from a
physician specifically recommending marijuana in raw or crude form for that person.

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C.

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(2) The rules shall include but not be limited to:

* * *

(e) The establishment of standards, procedures, and protocols to ensure that
all recommended therapeutic marijuana dispensed, except for raw or crude
marijuana, is consistently pharmaceutical grade.

* * *

(l) The limitations on dispensing of raw or crude marijuana as provided in
Paragraph (A)(5) of this Section.

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Section 2. This Act shall become effective on January 1, 2022.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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