

2022 Regular Session

HOUSE BILL NO. 190

BY REPRESENTATIVES TRAVIS JOHNSON AND GLOVER

1 AN ACT

2 To amend and reenact R.S. 40:966(F)(1), (7), and (8)(a), 1046(A)(1), (2)(a)(xviii), (xxii),
3 and (b), (3), (4), (5)(b), (6), and (C)(1), 1168.2(2) through (5), and
4 1168.3(A)(1)(b)(iii), (iv), and (2)(b) and to enact R.S. 40:1046(B), relative to the
5 recommendation to patients of marijuana for therapeutic use, known also as medical
6 marijuana; to provide relative to licensed health professionals who may recommend
7 medical marijuana to patients; to authorize nurse practitioners with prescriptive
8 authority to recommend medical marijuana to patients; to authorize medical
9 psychologists to recommend medical marijuana to patients; to revise references to
10 licensed health professionals who may recommend medical marijuana to patients
11 within laws providing for immunity from prosecution for possession of marijuana;
12 to revise references to licensed health professionals who may recommend medical
13 marijuana to patients within laws providing for a data system for the collection and
14 analysis of clinical information associated with use of medical marijuana; and to
15 provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 40:966(F)(1), (7), and (8)(a), 1046(A)(1), (2)(a)(xviii), (xxii), and
18 (b), (3), (4), (5)(b), (6), and (C)(1), 1168.2(2) through (5), and 1168.3(A)(1)(b)(iii), (iv), and
19 (2)(b) are hereby amended and reenacted and R.S. 40:1046(B) is hereby enacted to read as
20 follows:

1 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
2 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
3 heroin

4 * * *

5 F. Immunity from prosecution. (1) Any person who is a patient of the
6 state-sponsored medical marijuana program in Louisiana, and possesses medical
7 marijuana in a form permissible under R.S. 40:1046 for a condition enumerated
8 therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary
9 parent of a minor child who possesses medical marijuana on behalf of his minor
10 child in a form permissible under R.S. 40:1046 for a condition enumerated therein
11 pursuant to a legitimate medical marijuana prescription or recommendation issued
12 by a ~~physician licensed by and in good standing with the Louisiana State Board of~~
13 ~~Medical Examiners~~ licensed health professional authorized by R.S. 40:1046(B) to
14 recommend medical marijuana to patients, shall be exempt from the provisions of
15 this Section. This Paragraph shall not prevent the arrest or prosecution of any person
16 for diversion of marijuana or any of its derivatives or other conduct outside the scope
17 of the state-sponsored medical marijuana program.

18 * * *

19 (7) Any ~~physician~~ licensed health professional authorized by R.S.
20 40:1046(B) to recommend medical marijuana to patients who provides information
21 on marijuana for therapeutic use within a bona fide ~~doctor-patient~~ clinician-patient
22 relationship or who issues a recommendation to a patient for marijuana for
23 therapeutic use pursuant to R.S. 40:1046 shall be exempt from the prohibitions
24 provided in this Section for possession and distribution of marijuana. This Paragraph
25 shall not prohibit the arrest or prosecution of any person for diversion of medical
26 marijuana or any other conduct outside the scope of the state-sanctioned medical
27 marijuana program provided for in R.S. 40:1046.

28 (8)(a) The defenses in Paragraph (1) of this Subsection shall be raised by
29 reproducing a patient's medical records that ~~have been created by his attending~~
30 ~~physician, that~~ contain the legitimate recommendation to possess marijuana for

1 therapeutic use in a form permissible under R.S. 40:1046 issued by a licensed health
2 professional authorized by R.S. 40:1046(B) to recommend medical marijuana to
3 patients.

4 * * *

5 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
6 regulations of the ~~Louisiana State Board of Medical Examiners and~~
7 Louisiana Board of Pharmacy; production facility licensing by the
8 Department of Agriculture and Forestry

9 A.(1) Notwithstanding any other provision of this Part, any ~~physician~~
10 ~~licensed by and in good standing with the Louisiana State Board of Medical~~
11 ~~Examiners to practice medicine in this state~~ clinician authorized by the provisions
12 of Subsection B of this Section to recommend medical marijuana, referred to in this
13 Section as an "authorized clinician", may recommend, in any form as permitted by
14 the rules and regulations of the Louisiana Board of Pharmacy, raw or crude
15 marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols
16 for therapeutic use by any patient clinically diagnosed as suffering from a
17 debilitating medical condition. Nothing in this Paragraph shall be construed to
18 prevent the Louisiana Board of Pharmacy from permitting, by rule, medical
19 marijuana in a form to be administered by metered-dose inhaler. For purposes of this
20 Section, "metered-dose inhaler" means a device that delivers a specific amount of
21 medication to the lungs, in the form of a short burst of medicine that is usually
22 self-administered by the patient via inhalation.

23 (2)(a) For purposes of this Subsection, "debilitating medical condition"
24 means any of the following:

25 * * *

26 (xviii) A concussion diagnosed by a ~~physician~~ an authorized clinician.

27 * * *

28 (xxii) Any condition not otherwise specified in this Subparagraph that a
29 ~~physician~~ an authorized clinician, in his ~~medical~~ clinical opinion, considers

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(2)

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(b) The board shall design and administer the data system such that reporting of health outcomes is limited to ~~physicians~~ authorized clinicians exclusively.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____