

RÉSUMÉ DIGEST

ACT 438 (HB 135)

2022 Regular Session

Marino

New law defines "visiting qualifying patient", for purposes of new law, as a patient with a debilitating medical condition who is not a resident of La. or who has been a resident of this state for less than 30 days and who is in actual possession of a valid medical marijuana registry identification card, or its equivalent, issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the U.S.

New law authorizes a visiting qualifying patient to obtain medical marijuana from a Louisiana-licensed marijuana pharmacy upon producing evidence of his valid medical marijuana registry identification card, or its equivalent, issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the U.S.

New law requires marijuana pharmacies to have each visiting qualifying patient certify, on a form approved by the La. Board of Pharmacy (board), that he has been diagnosed by a licensed physician with one or more conditions that meet the definition of "debilitating medical condition" in existing law relative to medical marijuana. New law requires that the patient also attest on the form that he will not divert to any person any medical marijuana dispensed to him by the marijuana pharmacy.

New law requires marijuana pharmacies to retain a copy of each of the following documents received from a visiting qualifying patient:

- (1) The patient's valid medical marijuana registry identification card or its equivalent.
- (2) The patient's valid driver's license or other government-issued photo identification document.
- (3) The original, completed, and signed certification and attestation form required by new law.

New law requires that prior to dispensing any medical marijuana product to a visiting qualifying patient, a dispensing pharmacist at a marijuana pharmacy shall review the patient's records in the state prescription monitoring program (PMP). Requires that the pharmacist resolve any concerns identified in the review of the patient's PMP records by consultation with the patient's physician.

New law provides that upon dispensing any medical marijuana product to a visiting qualifying patient, the dispensing pharmacist at a marijuana pharmacy shall report that transaction to the PMP in conformance with rules of the PMP governing dispensing of controlled substances and as required by any rules of the board that apply to marijuana pharmacies.

New law requires dispensing pharmacists at marijuana pharmacies to perform a prospective drug utilization review for each visiting qualifying patient and counsel each such patient every time medical marijuana is dispensed to the patient in conformance with rules of the board governing dispensing of controlled substances and in compliance with applicable rules of the board on drug utilization review and patient counseling.

New law prohibits a marijuana pharmacy from dispensing medical marijuana to a person who holds himself out to be a visiting qualifying patient if the dispensing pharmacist at the pharmacy determines any of the following with respect to that person:

- (1) The person's medical marijuana registry identification card was revoked, has expired, or is otherwise not valid and current.
- (2) The person's medical marijuana registry identification card was fraudulently obtained.
- (3) The person's application or written certifications were falsified in any way.

- (4) The person knowingly violated any provision of existing law applicable to medical marijuana.

Effective August 1, 2022.

(Adds R.S. 40:1046.1)