

DIGEST

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SB 143 Reengrossed

2015 Regular Session

Mills

Present law provides that a physician licensed to practice medicine in this state and who is also registered to prescribe Schedule I substances with the Drug Enforcement Administration (DEA) may prescribe marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use by patients clinically diagnosed as suffering from glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, and spastic quadriplegia in accordance with rules and regulations promulgated by the secretary of health and hospitals and in accordance with FDA (Food and Drug Administration) and DEA administrative guidelines for procurement of the controlled substance from the National Institute on Drug Abuse.

Proposed law authorizes a physician licensed to practice medicine in this state to recommend marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in any form except for inhalation and raw or crude for therapeutic use by patients.

Proposed law provides the Louisiana State Board of Medical Examiners (LSBME) submit an annual report to the legislature regarding recommendations as to additional diseases or medical conditions to be added to the eligible list of diseases and conditions for prescription.

Present law provides the secretary of health and hospitals, by January 1, 1992, shall promulgate rules and regulations authorizing physicians licensed to practice in this state to prescribe marijuana for therapeutic use by patients as described in present law.

Proposed law amends present law by removing the secretary of health and hospitals as the party promulgating the rules and regulations and placing the responsibility of promulgating the rules and regulations with the LSBME. Proposed law gives LSBME until January 1, 2016, to promulgate the rules and regulations.

Proposed law provides the Louisiana Board of Pharmacy (LBP) shall adopt rules relating to the dispensing of marijuana for therapeutic use no later than December 1, 2016, and LBP shall seek input from groups including but not limited to the following:

- (1) The Louisiana District Attorneys Association.
- (2) Professional law enforcement associations organizations and commissions.
- (3) The Department of Agriculture and Forestry.

Proposed law provides the rules shall include but not be limited to:

- (1) Standards, procedures, and protocols for the effective use of prescribed marijuana for therapeutic use as authorized by state law and related rules and regulations.
- (2) Standards, procedures, and protocols for the dispensing of prescribed therapeutic marijuana in Louisiana.
- (3) Procedures and protocols to provide that no prescribed therapeutic marijuana may be dispensed from, produced from, obtained from, sold to, or transferred to a location outside of this state.
- (4) The establishment of standards, procedures, and protocols for determining the amount of usable prescribed therapeutic marijuana that is necessary to constitute an adequate supply to ensure uninterrupted availability for a period of one month, including amounts for topical treatments.

- (5) The establishment of standards, procedures, and protocols to ensure that all prescribed therapeutic marijuana dispensed is consistently pharmaceutical grade.
- (6) The establishment of standards and procedures for the revocation, suspension, and nonrenewal of licenses.
- (7) The establishment of other licensing, renewal, and operational standards which are deemed necessary by the LBP.
- (8) The establishment of standards and procedures for testing prescribed therapeutic marijuana samples for levels of tetrahydrocannabinol (THC) or other testing parameters deemed appropriate by the board.
- (9) The establishment of health, safety, and security requirements for dispensers of prescribed therapeutic marijuana.
- (10) Create licenses for dispensers of prescribed therapeutic marijuana.
- (11) Establish financial requirements demonstrating financial capacity to operate a dispensing pharmacy and, if required by LBP, the ability to maintain a \$2.0 million escrow account in a Louisiana bank.

Proposed law provides LBP shall submit a report to the legislature no later than January 1, 2016, with recommendations on possible fee amounts to provide for the provisions of the proposed law.

Proposed law provides the all rules and regulations promulgated pursuant to proposed law shall be adopted in accordance with the provisions of the Administrative Procedure Act.

Proposed law provides nothing in the proposed law shall be construed to prohibit LSBME or LBP from adopting emergency rules as otherwise provided for in the Administrative Procedure Act.

Proposed law provides marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols prescribed pursuant to present law shall be dispensed in person from a licensed pharmacy in good standing located in Louisiana.

Proposed law provides a prescriber and dispenser of marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols pursuant to present law shall review the patient's information in the Prescription Monitoring Program database prior to the prescribing and dispensing thereof.

Proposed law provides LBP shall develop an annual, nontransferable specialty license for a pharmacy to dispense prescribed marijuana for therapeutic use and shall limit the number of such licenses granted in the state to no more than ten licensees. Requires LBP to develop rules and regulations regarding the geographical locations of such pharmacies.

Proposed law provides The Department of Agriculture and Forestry shall develop the rules and regulations regarding the production of prescribed therapeutic marijuana and the facility producing therapeutic marijuana.

Proposed law provides the Department of Agriculture and Forestry shall develop an annual, nontransferable specialty license for the production of prescribed marijuana for therapeutic use and shall limit the number of such licenses granted in the state to no more than one licensee and to no more than one geographic location.

Proposed law provides the Department of Agriculture and Forestry shall submit a report to the legislature no later than January 1, 2016, with recommendations on possible fee amounts relative to the provisions of proposed law.

Provides for the termination of proposed law on January 1, 2020.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1046)

Summary of Amendments Adopted by Senate

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

1. Provides for prescribed marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in any form except for inhalation and raw or crude.
2. Provides for an annual report from LSBME as to adding additional diseases or conditions.
3. Provides for LBP being responsible for rules and regulations for dispensing.
4. Provides for the Department of Agriculture and Forestry being responsible for rules and regulations relative to production.
5. Provides type of pharmacy that can dispense.
6. Provides for use of the Prescription Monitoring Program by prescribers and dispensers.
7. Provides for an annual, nontransferable speciality license for a dispensing pharmacy and for a production facility.
8. Provides for the Department of Agriculture and Forestry submitting recommendations to the legislature regarding fees.

Senate Floor Amendments to engrossed bill

1. Changes the La. Sheriffs' Assn. and LCLE to professional law enforcement associations, organizations and commissions.
2. Adds financial requirements for applicants of a license for dispensing pharmacies.
3. Requires the LBP to develop rules regarding the geographical locations of dispensing pharmacies
4. Specifies that the license for production of marijuana be limited to one geographic location.
5. Adds a Jan. 1, 2020, termination date for the proposed law.
6. Removes language requiring the licensed prescribing physician to also be registered with the DEA.

Summary of Amendments Adopted by House

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

1. Change the authorization to prescribe marijuana to an authorization to recommend marijuana for therapeutic use.
2. Delete references to prescribed therapeutic marijuana.