

2016 Regular Session

HOUSE BILL NO. 1112

BY REPRESENTATIVE JAMES

DRUGS/CONTROLLED: Establishes the Louisiana Therapeutic Use of Cannabis Act

1 AN ACT

2 To amend and reenact Part X-E of Chapter 4 of Title 40 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 40:1045.1 through R.S. 40:1045.141, and R.S.
4 44:4.1(B)(26) and to repeal R.S. 40:1046, relative to marijuana for therapeutic use;
5 to provide for legislative findings; to define relevant terms; to authorize the
6 therapeutic use of cannabis; to provide for qualifying medical conditions; to provide
7 for qualifying patients and designated caregivers; to provide for registry
8 identification cards and the verification of such cards; to provide for registration of
9 therapeutic cannabis manufacturers, dispensaries, and testing facilities; to authorize
10 local regulatory ordinances; to provide regulatory and rulemaking authority; to
11 establish penalties for violations; to provide for confidentiality and an exemption to
12 the Public Records Law; to establish an advisory committee; to require an annual
13 report to the legislature; to provide for choice of law; to provide for an effective date;
14 and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

1 Section 1. Part X-E of Chapter 4 of Title 40 of the Louisiana Revised Statutes of
2 1950, comprised of R.S. 40:1045.1 through R.S. 40:1045.141, is hereby amended and
3 reenacted to read as follows:

4 PART X-E. THERAPEUTIC USE OF ~~MARIJUANA~~ CANNABIS

5 SUBPART A. GENERAL PROVISIONS

6 §1045.1. Short title

7 This Part shall be known and may be cited as the "Louisiana Therapeutic Use
8 of Cannabis Act".

9 §1045.2. Legislative findings

10 The Legislature of Louisiana hereby finds and declares all of the following:

11 (1) Cannabis's recorded use as a medicine goes back nearly five thousand
12 years. Modern medical research has confirmed the beneficial uses of cannabis,
13 which is also called marijuana, in treating or alleviating the pain, nausea, and other
14 symptoms associated with a variety of debilitating medical conditions, including
15 cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of
16 Sciences' Institute of Medicine in March 1999.

17 (2) Studies published since the 1999 Institute of Medicine report continue
18 to show the therapeutic value of cannabis in treating a wide array of debilitating
19 medical conditions. These include relief of the neuropathic pain that often fails to
20 respond to conventional treatments and reduced symptoms and even complete
21 remission from Crohn's disease.

22 (3) Cannabis has many accepted therapeutic uses in the United States, having
23 been recommended by thousands of licensed physicians to more than one million
24 patients in states with medical cannabis laws. A wide range of medical and public
25 health organizations including the American Academy of HIV Medicine, the
26 American College of Physicians, the American Nurses Association, the American
27 Public Health Association, the Leukemia & Lymphoma Society, the Epilepsy
28 Foundation, and many others have recognized the therapeutic utility of cannabis.

1 (4) Although Louisiana adopted legislation to allow the therapeutic use of
2 cannabis in 1978, its therapeutic use laws have not provided patients with legal
3 protections or safe access to cannabis because they relied on physicians prescribing
4 cannabis, pharmacies distributing cannabis, agencies to promulgate rules that were
5 never drafted, or the federal government granting permission to a program.
6 Meanwhile, twenty-three other states and the District of Columbia have enacted laws
7 to successfully removed state-level criminal penalties from the medical use of
8 cannabis, and to provide access to medical cannabis.

9 (5) States are not required to enforce federal law or prosecute people for
10 engaging in activities prohibited by federal law. Therefore, compliance with this Part
11 does not put the state of Louisiana in violation of federal law.

12 §1045.3. Definitions

13 For purposes of this Part the following definitions apply unless the context
14 clearly indicates otherwise:

15 (1) "Allowable amount of cannabis" means two and one-half ounces of
16 cannabis, none of which may be growing, and the quantity of cannabis products as
17 established by department regulation.

18 (2) "Bona fide physician-patient relationship" means a physician-patient
19 relationship which meets all of the following criteria:

20 (a) The physician and patient have a treatment or consulting relationship,
21 during the course of which the physician has completed an assessment of the
22 patient's medical history and current medical condition, including an appropriate
23 examination.

24 (b) The physician has consulted with the patient with respect to the patient's
25 debilitating medical condition.

26 (c) The physician is available to or offers to provide follow-up care and
27 treatment to the patient.

28 (3) "Cannabis products" means concentrated cannabis, cannabis extracts, and
29 products that are infused with cannabis or an extract thereof and are intended for use

1 or consumption by humans. The term includes, without limitation, edible cannabis
2 products, beverages, topical products, ointments, oils, and tinctures.

3 (4) "Cannabis testing facility" or "testing facility" means an independent
4 entity registered by the Department of Health and Hospitals pursuant to this Part to
5 analyze the safety and potency of cannabis.

6 (5) "Cardholder" means a qualifying patient or a designated caregiver who
7 has been issued and possesses a valid registry identification card.

8 (6) "Debilitating medical condition" means any of the following conditions:

9 (a) Cancer.

10 (b) Glaucoma.

11 (c) Spasticity.

12 (d) Quadriplegia.

13 (e) Positive status for human immunodeficiency virus.

14 (f) Acquired immune deficiency syndrome.

15 (g) A need to promote weight gain in HIV/AIDS wasting syndromes.

16 (h) Seizures.

17 (i) Amyotrophic lateral sclerosis.

18 (j) Crohn's disease.

19 (k) Multiple sclerosis.

20 (l) Ulcerative colitis.

21 (m) Intractable pain.

22 (n) Any other serious medical condition added by the department pursuant
23 to R.S. 40:1046.6.

24 (7) "Department" means the Department of Health and Hospitals or its
25 successor agency.

26 (8) "Designated caregiver" means a person who meets all of the following
27 criteria:

28 (a) Is at least twenty-one years of age.

29 (b) Has significant responsibility for managing the well-being of a patient.

1 (c) Has not been convicted of a disqualifying felony offense.

2 (d) Assists no more than five qualifying patients with their therapeutic use
3 of cannabis, unless the designated caregiver's qualifying patients each reside in or are
4 admitted to a healthcare facility or residential care facility where the designated
5 caregiver is employed.

6 (9) "Disqualifying felony offense" means either of the following:

7 (a) A crime of violence as defined in R.S. 14:2 that was classified as a felony
8 in the jurisdiction where the person was convicted.

9 (b) A violation of a state or federal controlled substances law that was
10 classified as a felony in the jurisdiction where the person was convicted unless the
11 violation is one of the following:

12 (i) An offense for which the sentence, including any term of probation,
13 incarceration, or supervised release, was completed ten or more years earlier.

14 (ii) An offense that consisted of conduct for which this Part would likely
15 have prevented a conviction, but the conduct either occurred prior to the enactment
16 of this Part or was prosecuted by an authority other than the state of Louisiana.

17 (10) "Edible cannabis products" means products that contain or are infused
18 with cannabis or an extract thereof, are intended for human consumption by oral
19 ingestion, and are presented in the form of foodstuffs, beverages, extracts, oils,
20 tinctures, and other similar products.

21 (11) "Physician" means a physician who is licensed to practice medicine in
22 this state.

23 (12) "Qualifying patient" means a Louisiana resident who has been
24 diagnosed by a physician as having a debilitating medical condition and who has
25 otherwise met the requirements to qualify for a registry identification card.

26 (13) "Registry identification card" means a document issued by the
27 department that identifies a person as a registered qualifying patient or registered
28 designated caregiver or documentation that is deemed a registry identification card
29 pursuant to this Part.

1 (14) "Smoked cannabis" or "smoking" means cannabis that is heated to at
2 least the point of combustion causing plant material to burn.

3 (15) "Therapeutic cannabis" or "cannabis" means any species of the genus
4 Cannabis plant, or any mixture or preparation of them including whole plant extracts
5 and resins. The term does not include smoked cannabis.

6 (16) "Therapeutic cannabis dispensary" or "dispensary" means an entity
7 registered by the Louisiana Board of Pharmacy pursuant to this Part that acquires,
8 possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis,
9 cannabis products, paraphernalia, or related supplies and educational materials to
10 cardholders.

11 (17) "Therapeutic cannabis establishment" means a cannabis manufacturer,
12 dispensary, or a testing facility registered with the department.

13 (18) "Therapeutic cannabis establishment agent" means an owner, officer,
14 board member, employee, volunteer, or agent of a therapeutic cannabis
15 establishment.

16 (19) "Therapeutic cannabis manufacturer" or "cannabis manufacturer" means
17 an entity registered by the Department of Agriculture and Forestry to cultivate,
18 acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense
19 therapeutic cannabis, delivery devices, or related supplies and educational materials.

20 (20) "Written certification" means a document dated and signed by a
21 physician containing all of the following:

22 (a) A statement that in the physician's professional opinion the patient is
23 likely to receive therapeutic or palliative benefit from the therapeutic use of cannabis
24 to treat or alleviate the patient's debilitating medical condition or symptoms
25 associated with the debilitating medical condition.

26 (b) A statement affirming that the written certification is made in the course
27 of a bona fide physician-patient relationship.

28 (c) A statement specifying the qualifying patient's debilitating medical
29 condition.

1 SUBPART B. THERAPEUTIC USE OF CANNABIS

2 §1045.11. Therapeutic use of cannabis; lawful activities

3 For the purposes of Louisiana law, activities related to therapeutic cannabis
4 shall be considered lawful if they are performed in accordance with this Part.

5 §1045.12. Therapeutic use of cannabis; immunities; presumption

6 A. Notwithstanding any other provision of law including but not limited to
7 R.S. 40:966, a qualifying patient who possesses a valid registry identification card
8 shall not be subject to arrest, prosecution, or penalty in any manner or denial of any
9 right or privilege including any civil penalty or disciplinary action by a court or
10 occupational or professional licensing board or other entity for any of the following
11 actions:

12 (1) Possessing, transporting, or using cannabis pursuant to this Part if the
13 cardholder does not possess more than the allowable amount of cannabis.

14 (2) Transferring cannabis to a testing facility for testing.

15 (3) Compensating a dispensary for goods or services provided.

16 B. Notwithstanding any other provision of law including but not limited to
17 R.S. 40:966, a caregiver who possesses a valid registry identification card shall not
18 be subject to arrest, prosecution, or penalty in any manner or denial of any right or
19 privilege including any civil penalty or disciplinary action by a court or occupational
20 or professional licensing board or other entity for any of the following actions:

21 (1) Possessing, transporting, or delivering to the caregiver's qualifying
22 patient of cannabis pursuant to this Part if the cardholder does not possess more than
23 the allowable amount of cannabis.

24 (2) Transferring cannabis to a testing facility for testing.

25 (3) Compensating a dispensary for goods or services provided.

26 C. There is a presumption that a qualifying patient or designated caregiver
27 is engaged in the therapeutic use of cannabis pursuant to this Part if the person is in
28 possession of a registry identification card and an amount of cannabis that does not
29 exceed the allowable amount. The presumption may be rebutted by evidence that

1 conduct related to cannabis was not for the purpose of treating or alleviating a
2 qualifying patient's debilitating medical condition or symptoms associated with the
3 qualifying patient's debilitating medical condition pursuant to this Part.

4 D.(1) A physician shall not be subject to arrest, prosecution, or penalty in
5 any manner or denied any right or privilege including but not limited to civil penalty
6 or disciplinary action by the Louisiana State Board of Medical Examiners or by any
7 other occupational or professional licensing board or other entity solely for providing
8 written certifications or for otherwise stating that, in the physician's professional
9 opinion, a patient is likely to receive therapeutic or palliative benefit from the
10 therapeutic use of cannabis to treat or alleviate the patient's serious or debilitating
11 medical condition or symptoms associated with the serious or debilitating medical
12 condition.

13 (2) Nothing in this Part shall be construed to prohibit a physician from being
14 sanctioned for either of the following:

15 (a) Issuing a written certification to a patient with whom the physician does
16 not have a bona fide physician-patient relationship.

17 (b) Failing to properly evaluate a patient's medical condition.

18 E. An attorney shall not be subject to disciplinary action by the Louisiana
19 State Bar Association or other professional licensing association for providing legal
20 assistance to prospective or registered therapeutic cannabis establishments or others
21 related to activity that is no longer subject to criminal penalties under state law
22 pursuant to this Part.

23 F. No person shall be subject to arrest, prosecution, or penalty in any manner
24 or denied any right or privilege including any civil penalty or disciplinary action by
25 a court or occupational or professional licensing board or other entity for any of the
26 following actions:

27 (1) Providing or selling cannabis paraphernalia to a cardholder or to a
28 therapeutic cannabis establishment.

1 (2) Being in the presence or vicinity of the therapeutic use of cannabis that
2 is exempt from criminal penalties by this Part.

3 (3) Allowing the person's property to be used for activities that are exempt
4 from criminal penalties by this Part.

5 (4) Assisting a registered qualifying patient with the act of using or
6 administering cannabis consumed pursuant to this Part.

7 G. A therapeutic cannabis establishment or a therapeutic cannabis
8 establishment agent shall not be subject to prosecution, search or inspection except
9 as authorized by this Part, seizure, or penalty in any manner, and shall not be denied
10 any right or privilege including civil penalty or disciplinary action by a court or
11 business licensing board or other entity for engaging in activities related to
12 therapeutic cannabis that are allowed by its registration pursuant to this Part.

13 H. A dispensary or a dispensary agent shall not be subject to prosecution,
14 search or inspection except as authorized by this Part, seizure, or penalty in any
15 manner and shall not be denied any right or privilege including civil penalty or
16 disciplinary action by a court or business licensing board or other entity for acting
17 pursuant to this Part and rules authorized by this Part to do any of the following:

18 (1) Possess, transport, and store cannabis and cannabis products.

19 (2) Deliver, transfer, and transport cannabis to testing facilities and
20 compensate testing facilities for services provided.

21 (3) Purchase or otherwise acquire cannabis or cannabis products from
22 cannabis product production facilities or dispensaries.

23 (4) Deliver, sell, supply, transfer, or transport cannabis, cannabis products,
24 and cannabis paraphernalia and related supplies and educational materials to
25 cardholders.

26 I. A cannabis manufacturer agent shall not be subject to prosecution, search
27 or inspection except as authorized by this Part, seizure, or penalty in any manner and
28 shall not be denied any right or privilege including civil penalty or disciplinary

1 action by a court or business licensing board or other entity for acting pursuant to
2 this Part and rules authorized by this Part to do any of the following:

3 (1) Possess, plant, propagate, cultivate, grow, harvest, produce, process,
4 manufacture, compound, convert, prepare, pack, repack, or store cannabis or
5 cannabis products.

6 (2) Deliver, transfer, or transport cannabis or cannabis products to testing
7 facilities and compensate testing facilities for services provided.

8 (3) Obtain cannabis seeds or clones from qualifying patients from other
9 states or from cannabis businesses that are registered in another jurisdiction.

10 (4) Deliver, sell, supply, transfer, or transport cannabis, cannabis
11 paraphernalia, and related supplies and educational materials to dispensaries.

12 J. A testing facility or testing facility agent shall not be subject to
13 prosecution, search or inspection except as authorized by this Part, seizure, or
14 penalty in any manner and shall not be denied any right or privilege including civil
15 penalty or disciplinary action by a court or business licensing board or other entity
16 for acting pursuant to this Part and rules authorized by this Part to do any of the
17 following:

18 (1) Acquire, possess, transport, and store cannabis and cannabis products
19 obtained from cardholders and therapeutic cannabis establishments.

20 (2) Return the cannabis and cannabis products to the cardholders and
21 therapeutic cannabis establishments from whom it was obtained.

22 (3) Test cannabis, including for potency, pesticides, mold, or contaminants.

23 (4) Receive compensation for those services listed in Paragraphs (1) through
24 (3) of this Subsection.

25 K. The staffer of a therapeutic cannabis establishment that is registered in
26 another jurisdiction may sell or donate cannabis seeds or clones to cultivation
27 facilities. A patient who is registered in another state may donate cannabis seeds or
28 clones to cultivation facilities.

1 L. Any cannabis, cannabis product, cannabis paraphernalia, or other interest
 2 in or right to property that is possessed, owned, or used in connection with the
 3 therapeutic use of cannabis pursuant to this Part, or acts incidental to such use, shall
 4 not be seized or forfeited. Nothing in this Part shall be construed to prohibit the
 5 seizure or forfeiture of cannabis exceeding the amounts authorized by this Part or to
 6 prevent seizure or forfeiture if the basis for the action is unrelated to the mere
 7 possession of the therapeutic cannabis that is possessed, manufactured, transferred,
 8 or used pursuant to this Part.

9 M. Possession of, or application for, a registry identification card shall not
 10 constitute probable cause or reasonable suspicion nor shall it be used alone to
 11 support a search of the person or property of the person possessing or applying for
 12 the registry identification card or otherwise subject the person or property of the
 13 person to inspection by any governmental agency.

14 §1045.13. Therapeutic use of cannabis; validity of contracts

15 A. It is the public policy of the state of Louisiana that contracts related to
 16 therapeutic cannabis that are entered into by cardholders, therapeutic cannabis
 17 establishments, or therapeutic cannabis establishment agents, and those who allow
 18 property to be used by those persons, shall be enforceable.

19 B. It is the public policy of the state of Louisiana that no contract entered
 20 into by a cardholder, a therapeutic cannabis establishment, or a therapeutic cannabis
 21 establishment agent or by a person who allows property to be used for activities that
 22 are exempt from state criminal penalties pursuant to this Part shall be unenforceable
 23 on the basis that activities related to cannabis are prohibited by federal law.

24 §1045.14. Limitations; scope of applicability

25 A. Nothing in this Part shall be construed to authorize any person to engage
 26 in, or to prevent the imposition of any civil, criminal, or other penalties for engaging
 27 in, any of the following conduct:

- 28 (1) Undertaking any task under the influence of cannabis when doing so
 29 would constitute negligence or professional malpractice.

1 (2) Possessing cannabis or otherwise engaging in the therapeutic use of
2 cannabis in any correctional facility unless the correctional facility has elected to
3 allow the cardholder to engage in the therapeutic use of cannabis.

4 (3) Smoking cannabis.

5 (4) Operating, navigating, or being in actual physical control of any motor
6 vehicle, aircraft, train, or motorboat while under the influence of cannabis.

7 B. Nothing in this Part shall be construed to require a government medical
8 assistance program or private insurer to reimburse a person for costs associated with
9 the therapeutic use of cannabis.

10 C. Nothing in this Part shall be construed to prohibit an employer from
11 disciplining an employee for ingesting cannabis in the workplace or for working
12 while under the influence of cannabis.

13 SUBPART C. QUALIFYING MEDICAL CONDITIONS

14 §1045.21. Addition of debilitating medical conditions

15 A. Any resident of Louisiana may petition the department to add a serious
16 medical condition or its treatment to the list of debilitating medical conditions as
17 defined in R.S. 40:1045.3.

18 B. The department shall promulgate rules of procedure for the consideration
19 of petitions which shall include a public notice and hearing.

20 C. The department shall approve or deny a petition within one hundred
21 eighty days of its submission.

22 D. The approval or denial of any petition shall be considered a final decision
23 of the department and shall be subject to judicial review. Jurisdiction and venue are
24 vested in the First Circuit Court of Appeal.

25 SUBPART D. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

26 §1045.31. Registry identification cards; issuance;

27 A. No later than October 1, 2016, the department shall begin issuing registry
28 identification cards to qualifying patients who submit all of the following in
29 accordance with the department's rules and regulations:

1 (1) A written certification issued by a physician within ninety days
2 immediately preceding the date of the application.

3 (2) The application or renewal fee.

4 (3) The name, address unless the applicant is homeless, and date of birth of
5 the qualifying patient.

6 (4) The name, address, and telephone number of the qualifying patient's
7 physician.

8 (5) The name, address, and date of birth of the designated caregiver, or
9 designated caregivers, chosen by the qualifying patient.

10 (6) If more than one designated caregiver is designated at any given time,
11 documentation demonstrating that a greater number of designated caregivers is
12 needed due to the patient's age or medical condition.

13 (7) The name of the dispensaries that the qualifying patient designates, if
14 any.

15 B. If the qualifying patient is unable to submit the information required by
16 Subsection A of this Section due to the patient's age or medical condition, the person
17 responsible for making medical decisions for the qualifying patient may do so on
18 behalf of the qualifying patient.

19 C. Except as provided in Subsection E of this Section, the department shall
20 do all of the following:

21 (1) Verify the information contained in an application or renewal submitted
22 pursuant to this Part and approve or deny an application or renewal within fifteen
23 days of receiving a completed application or renewal application.

24 (2) Issue registry identification cards to a qualifying patient and any
25 designated caregiver within five days of approving the application or renewal.

26 (3) Enter the registry identification number of the dispensary or dispensaries
27 the patient designates into the verification system.

28 D.(1) The department shall issue a registry identification card to a designated
29 caregiver for each qualifying patient.

1 (2) The department may conduct a background check of the prospective
2 designated caregiver in order to carry out this Section.

3 E. The department shall not issue a registry identification card to a qualifying
4 patient who is younger than eighteen years of age unless both of the following
5 conditions are satisfied:

6 (1) The qualifying patient's physician has explained the potential risks and
7 benefits of the therapeutic use of cannabis to the custodial parent or legal guardian
8 with responsibility for healthcare decisions for the qualifying patient.

9 (2) The custodial parent or legal guardian with responsibility for healthcare
10 decisions for the qualifying patient consents in writing to do all of the following:

11 (a) Allow the qualifying patient's therapeutic use of cannabis.

12 (b) Serve as the qualifying patient's designated caregiver.

13 (c) Control the acquisition of the cannabis, the dosage, and the frequency of
14 the therapeutic use of cannabis by the qualifying patient.

15 F. Until a qualifying patient who has submitted an application and the
16 required fee to the department receives a registry identification card or a written
17 notice of denial, a copy of the individual's application, written certification, and
18 proof that the application was submitted to the department shall be deemed a registry
19 identification card for the purposes of this Part.

20 G. Until a designated caregiver whose qualifying patient has submitted an
21 application and the required fee receives a registry identification card or a written
22 notice of denial, a copy of the qualifying patient's application, written certification,
23 and proof that the application was submitted to the department shall be deemed a
24 registry identification card for purposes of this Part.

25 §1045.32. Registry identification cards; denial

26 A. The department shall only deny an application or renewal of a qualifying
27 patient's registry identification card for one or more of the following reasons:

28 (1) The applicant did not provide the required information, fee, or materials.

29 (2) The applicant previously had a registry identification card revoked.

1 (3) The applicant provided false information.

2 B. The department shall only deny an application or renewal for a designated
3 caregiver chosen by a qualifying patient whose registry identification card was
4 granted for one or more of the following reasons:

5 (1) The choice does not meet the qualifications of a designated caregiver as
6 defined in R.S. 40:1045.3.

7 (2) The applicant did not provide the information required.

8 (3) The designated caregiver previously had a registry identification card
9 revoked.

10 (4) The applicant or the designated caregiver provided false information.

11 C. The department shall provide written notice to the qualifying patient of
12 the reason for denying a registry identification card to the qualifying patient or to the
13 qualifying patient's designated caregiver.

14 D. Denial of an application or renewal shall be considered a final department
15 action subject to judicial review. Jurisdiction and venue for judicial review are vested
16 in the First Circuit Court of Appeal.

17 §1045.33. Registry identification cards; contents

18 Registry identification cards shall contain all of the following information:

19 (1) The name of the cardholder.

20 (2) A designation of whether the cardholder is a qualifying patient or a
21 designated caregiver.

22 (3) The date of issuance and expiration date of the registry identification
23 card.

24 (4) A random ten-digit alphanumeric identification number, containing at
25 least four numbers and at least four letters, that is unique to the cardholder.

26 (5) If the cardholder is a designated caregiver, the random identification
27 number of any qualifying patients the designated caregiver will assist.

28 (6) A photograph of the cardholder if required by the department.

1 (7) The phone number or web address through which the card can be
2 verified.

3 §1045.34. Registry identification cards; expiration

4 A. Except as provided in Subsection B of this Section, the expiration date of
5 a registry identification card issued pursuant to this Part shall be one year after the
6 date of issuance.

7 B. If the physician stated in the written certification that the qualifying
8 patient would benefit from cannabis until a specified earlier date, then the registry
9 identification card shall expire on that specified date.

10 §1045.35. Registry identification card; confidentiality; verification system

11 A. The department shall maintain a confidential list of the persons to whom
12 the department has issued registry identification cards and their addresses, phone
13 numbers, and registry identification numbers. This confidential list shall not be
14 combined or linked in any manner with any other list or database, nor shall it be
15 shared or used for any other purpose not authorized by this Part.

16 B. Within one hundred twenty days of the effective date of this Part, the
17 department shall establish a secure phone or web-based verification system. The
18 verification system shall allow law enforcement personnel and therapeutic cannabis
19 establishments to enter a registry identification number to determine whether the
20 number corresponds with a current, valid registry identification card. The system
21 shall disclose only the following information:

22 (1) Whether the identification card is valid and current.

23 (2) The name of the cardholder.

24 (3) Whether the cardholder is a qualifying patient or a designated caregiver.

25 (4) The registry identification number of any affiliated registered qualifying
26 patient.

27 (5) The registry identification of the qualifying patient's dispensary, if any.

1 §1045.36. Registry identification card; notification of change of information; lost
2 cards

3 A. A registered qualifying patient shall notify the department of any change
4 in name or address or if the registered qualifying patient ceases to have a debilitating
5 medical condition no later than twenty days after the change in status.

6 B. A registered designated caregiver shall notify the department of any
7 change in name or address or if the designated caregiver becomes aware that the
8 qualifying patient is deceased no later than twenty days of the change in status.

9 C. A registered qualifying patient shall notify the department before
10 changing a designated caregiver or a designated dispensary.

11 D. If a cardholder loses the registry identification card, he shall notify the
12 department within ten days of becoming aware the card has been lost.

13 E. If the qualifying patient is unable to make a required notification due to
14 age or medical condition, the notification shall be made by the patient's designated
15 caregiver.

16 §1045.37. Registry identification card; reissuance

17 A. When a cardholder provides the department with any of the notifications
18 required pursuant to R.S. 40:1047.36 but remains eligible for registration pursuant
19 to this Part, the department shall issue the cardholder a new registry identification
20 card with a new random ten-digit alphanumeric identification number within ten
21 days of receiving the updated information and a twenty dollar fee.

22 B. If the person notifying the department is a registered qualifying patient,
23 the department shall also issue the patient's registered designated caregiver a new
24 registry identification card within ten days of receiving the updated information.

25 §1045.38. Registry identification card; revocation

26 A. The department shall immediately revoke the registry identification card
27 of any cardholder who sells cannabis to a person who is not authorized to possess
28 cannabis for therapeutic purposes pursuant to this Part, and the cardholder is
29 disqualified from further participation as provided in this Part.

1 B. The department may revoke the registry identification card of any
2 cardholder who knowingly commits multiple unintentional violations or a serious
3 knowing violation of this Part.

4 C. Revocation shall be considered a final department action subject to
5 judicial review. Jurisdiction and venue for judicial review are vested in the First
6 Circuit Court of Appeal.

7 §1045.39. Registry identification card; loss of eligibility; disposition of cannabis

8 A. If the registered qualifying patient's certifying physician notifies the
9 department in writing that either the registered qualifying patient has ceased to suffer
10 from a debilitating medical condition or that the physician no longer believes the
11 patient would receive therapeutic or palliative benefit from the therapeutic use of
12 cannabis, the registry identification card issued to the patient shall become null and
13 void. The department shall provide written notice to the patient that the registry
14 identification card has been revoked.

15 B. The registered qualifying patient shall have fifteen days from receipt of
16 the department's notice of revocation to provide the department with a written
17 statement verifying that the patient has disposed of or given away any remaining
18 cannabis to another registered qualifying patient, caregiver, therapeutic cannabis
19 dispensary, or cannabis testing facility. If the patient is unable to provide the
20 required written verification due to age or medical condition, the notification shall
21 be made by the patient's previously designated caregiver.

22 SUBPART E. THERAPEUTIC CANNABIS ESTABLISHMENTS –

23 MANUFACTURERS

24 §1045.41. Therapeutic cannabis manufacturers; registration

25 A. No later than January 1, 2017, the Department of Agriculture and Forestry
26 shall begin accepting applications for a maximum of fifteen therapeutic cannabis
27 manufacturer registration certificates.

28 B. Each applicant shall submit to the department all of the following:

29 (1) An application fee.

- 1 (2) An application which includes all of the following information:
- 2 (a) The legal name of the prospective therapeutic cannabis manufacturer.
- 3 (b) The physical address of the prospective therapeutic cannabis
4 manufacturer that is not within one thousand feet of a public or private school
5 existing before the date of the therapeutic cannabis manufacturer application.
- 6 (c) The name and date of birth of each principal officer and board member
7 of the proposed therapeutic cannabis manufacturer.
- 8 (d) The qualifications of the proposed managers including experience in
9 botany, chemistry, pharmacology, or therapeutic cannabis.
- 10 (e) Any additional information requested by the department.
- 11 (3) Operating procedures consistent with rules for oversight of the proposed
12 therapeutic cannabis manufacturers including procedures to ensure accurate
13 recordkeeping and adequate security measures.
- 14 (4) If the municipality or parish where the proposed therapeutic cannabis
15 manufacturer would be located has enacted zoning restrictions, a sworn statement
16 certifying that the proposed therapeutic cannabis manufacturer is in compliance with
17 the restrictions.
- 18 (5) If the municipality or parish where the proposed therapeutic cannabis
19 manufacturer would be located requires a local registration, license, or permit, a copy
20 of the registration, license, or permit.
- 21 C.(1) When granting registrations, the Department of Agriculture and
22 Forestry shall consider all of the following:
- 23 (a) The technical expertise of the manufacturer.
- 24 (b) The qualifications of the manufacturer's employees.
- 25 (c) The long-term financial stability of the manufacturer.
- 26 (d) The ability to provide appropriate security measures on the premises of
27 the manufacturer.
- 28 (e) The proposal's impact on the environment.

1 (f) Whether the manufacturer has demonstrated an ability to meet the
2 therapeutic cannabis production needs.

3 (2) No later than March 1, 2017, the Department of Agriculture and Forestry
4 shall approve at least two therapeutic cannabis manufacturer applicants and shall
5 issue the manufacturers a registration certificate to produce therapeutic cannabis.

6 §1045.42. Therapeutic cannabis manufacturers; registration renewal

7 The Department Agriculture and Forestry shall issue a renewal registration
8 certificate within ten days of receipt of the prescribed renewal application and
9 renewal fee from a therapeutic cannabis manufacturer if the registration certificate
10 is not under suspension and has not been revoked.

11 §1045.43. Therapeutic cannabis manufacturers; registration revocation or
12 suspension

13 A. The Department of Agriculture and Forestry may, on its own motion or
14 upon receipt of a complaint, after investigation and opportunity for a public hearing
15 at which the therapeutic cannabis manufacturer has been afforded an opportunity to
16 be heard, suspend or revoke a registration certificate for multiple negligent, willful
17 or knowing violations or for a serious and knowing willful violation of this Part or
18 any rules promulgated pursuant to this Part by the registrant or any of its agents.

19 B. The Department of Agriculture and Forestry shall provide notice of
20 suspension, revocation, fine, or other sanction, as well as the required notice of the
21 hearing, by mailing the same in writing to the therapeutic cannabis manufacturer at
22 the address on the registration certificate.

23 C.(1) A suspension shall not be for a longer period than six months.

24 (2) A cannabis manufacturer may continue to cultivate and possess cannabis
25 plants during a suspension, but it shall not dispense, transfer, or sell cannabis.

26 D. Revocation shall be considered a final department action subject to
27 judicial review. Jurisdiction and venue for judicial review are vested in the First
28 Circuit Court of Appeal.

1 §1045.44. Therapeutic cannabis manufacturers; reliable supply; security; production
2 by nonregistered manufacturer prohibited

3 A. Each therapeutic cannabis manufacturer shall provide a reliable and
4 ongoing supply of therapeutic cannabis needed for the registry program.

5 B.(1) All cultivation, harvesting, manufacture, and packaging of cannabis
6 shall take place in a secure facility at the physical address provided to the
7 Department of Agriculture and Forestry during the registration process.

8 (2) The secure facility shall only be accessed by agents of the therapeutic
9 cannabis establishment, emergency personnel, and adults who are twenty-one years
10 of age and older and who are accompanied by therapeutic cannabis establishment
11 agents.

12 C. No therapeutic cannabis establishment other than a registered cannabis
13 manufacturer shall produce cannabis concentrates, cannabis extractions, or other
14 cannabis products.

15 §1045.45. Therapeutic cannabis manufacturers; inspections

16 Therapeutic cannabis manufacturers are subject to inspection by the
17 Department of Agriculture and Forestry during business hours.

18 SUBPART F. THERAPEUTIC CANNABIS ESTABLISHMENTS – DISPENSARIES

19 §1045.51. Therapeutic cannabis dispensaries; registration

20 A. No later than February 1, 2017, the Louisiana Board of Pharmacy shall
21 begin accepting applications for no more than twenty-five therapeutic cannabis
22 dispensary licenses.

23 B. Each applicant shall submit to the board all of the following:

24 (1) An application fee.

25 (2) An application which includes all of the following information:

26 (a) The legal name of the prospective therapeutic cannabis dispensary.

27 (b) The physical address of the prospective therapeutic cannabis dispensary
28 that is not within one thousand feet of a public or private school existing before the
29 date of the therapeutic cannabis dispensary application.

1 (c) The name and date of birth of each principal officer and board member
2 of the proposed therapeutic cannabis dispensary.

3 (d) The qualifications of the proposed managers including experience in
4 botany, chemistry, pharmacology, or therapeutic cannabis.

5 (e) Any additional information requested by the department.

6 (3) Operating procedures consistent with rules for oversight of the proposed
7 therapeutic cannabis dispensaries including procedures to ensure accurate
8 recordkeeping and adequate security measures.

9 (4) If the municipality or parish where the proposed therapeutic cannabis
10 dispensary would be located has enacted zoning restrictions, a sworn statement
11 certifying that the proposed therapeutic cannabis dispensary is in compliance with
12 the restrictions.

13 (5) If the municipality or parish where the proposed therapeutic cannabis
14 dispensary requires a local registration, license, or permit, a copy of the registration,
15 license, or permit.

16 C.(1) When granting registrations, the board shall consider all of the
17 following:

18 (a) Geographic distribution of dispensaries throughout the state.

19 (b) The qualifications of the dispensary's managers and principals including
20 if the dispensary will have an onsite medical director with expertise in medicine or
21 pharmacy.

22 (c) The financial stability of the dispensary.

23 (d) The ability to provide appropriate security measures on the premises.

24 (e) Any plan to provide reduced cost cannabis to low-income patients.

25 (2) No later than March 1, 2017, the board shall approve at least ten
26 therapeutic cannabis dispensary applicants and shall issue the dispensaries a
27 registration certificate to dispense therapeutic cannabis.

1 §1045.52. Therapeutic cannabis dispensaries; registration renewal

2 The Louisiana Board of Pharmacy shall issue a renewal registration
3 certificate within ten days of receipt of the prescribed renewal application and
4 renewal fee from a therapeutic cannabis dispensary if the registration certificate is
5 not under suspension and has not been revoked.

6 §1045.53. Therapeutic cannabis dispensaries; registration revocation or suspension

7 A. The Louisiana Board of Pharmacy may, on its own motion or upon
8 receipt of a complaint, after investigation and opportunity for a public hearing at
9 which the therapeutic cannabis dispensary has been afforded an opportunity to be
10 heard, suspend or revoke a registration certificate for multiple negligent, willful or
11 knowing violations or for a serious and knowing willful violation of this Part or any
12 rules promulgated pursuant to this Part by the registrant or any of its agents.

13 B. The Louisiana Board of Pharmacy shall provide notice of suspension,
14 revocation, fine, or other sanction, as well as the required notice of the hearing, by
15 mailing the same in writing to the therapeutic cannabis dispensary at the address on
16 the registration certificate.

17 C.(1) A suspension shall not be for a longer period than six months.

18 (2) A therapeutic cannabis dispensary may continue to possess cannabis
19 during a suspension, but it shall not dispense, transfer, or sell cannabis.

20 D. Revocation shall be considered a final board action subject to judicial
21 review. Jurisdiction and venue for judicial review are vested in the First Circuit
22 Court of Appeal.

23 §1045.54. Therapeutic cannabis dispensaries; dispensing procedures; maximum
24 allowable dispensed amount

25 A. Before dispensing cannabis to a registered cardholder, a therapeutic
26 cannabis dispensary agent shall do all of the following:

27 (1) Make a diligent effort to verify that the registry identification card or
28 registration presented to the dispensary is valid.

1 (2) Make a diligent effort to verify that the person presenting the
2 documentation is the person identified on the document presented to the dispensary
3 agent.

4 (3) Make a diligent effort to verify that the amount dispensed will not cause
5 the person to possess more than the allowable amount of cannabis.

6 (4) Make a diligent effort to verify that the dispensary is one of the
7 dispensaries that has been designated by the cardholder.

8 B.(1) A therapeutic cannabis dispensary shall not dispense more than two
9 and one-half ounces of cannabis to a registered qualifying patient, directly or via a
10 designated caregiver, in any fourteen-day period.

11 (2) Therapeutic cannabis dispensaries shall ensure compliance with this
12 Subsection by maintaining internal, confidential records that include records
13 specifying how much cannabis is being dispensed to the registered qualifying patient
14 and whether it was dispensed directly to a registered qualifying patient or to the
15 designated caregiver.

16 §1045.55. Therapeutic cannabis dispensaries; inspections

17 Therapeutic cannabis dispensaries are subject to inspection by the Louisiana
18 Board of Pharmacy during business hours.

19 SUBPART G. THERAPEUTIC CANNABIS ESTABLISHMENTS –
20 TESTING FACILITIES

21 §1045.61. Cannabis testing facilities; registration

22 A. No later than February 1, 2017, the Department of Health and Hospitals
23 shall begin accepting applications for cannabis testing facilities.

24 B. Each applicant shall submit to the board all of the following:

25 (1) An application fee.

26 (2) An application which includes all of the following information:

27 (a) The legal name of the prospective cannabis testing facility.

1 (b) The physical address of the prospective cannabis testing facility that is
2 not within one thousand feet of a public or private school existing before the date of
3 the cannabis testing facility application.

4 (c) The name and date of birth of each principal officer and board member
5 of the proposed cannabis testing facility.

6 (d) The qualifications of the proposed managers including experience in
7 botany, chemistry, pharmacology, or therapeutic cannabis.

8 (e) Any additional information requested by the department.

9 (3) Operating procedures consistent with rules for oversight of the proposed
10 cannabis testing facility including procedures to ensure accurate recordkeeping and
11 adequate security measures.

12 (4) If the municipality or parish where the proposed cannabis testing facility
13 would be located has enacted zoning restrictions, a sworn statement certifying that
14 the proposed cannabis testing facility is in compliance with the restrictions.

15 (5) If the municipality or parish where the proposed cannabis testing facility
16 requires a local registration, license, or permit, a copy of the registration, license, or
17 permit.

18 C.(1) When granting registrations, the department shall consider all of the
19 following:

20 (a) The technical expertise of the testing facility.

21 (b) The qualifications of the testing facility's employees.

22 (c) The ability to provide appropriate security measures on the premises.

23 (2) No later than March 1, 2017, the department shall approve at least two
24 cannabis testing facility applicants and shall issue the testing facilities a registration
25 certificate to test therapeutic cannabis.

26 §1045.62. Cannabis testing facilities; registration renewal

27 The department shall issue a renewal registration certificate within ten days
28 of receipt of the prescribed renewal application and renewal fee from a cannabis

1 testing facility if the registration certificate is not under suspension and has not been
2 revoked.

3 §1045.63. Cannabis testing facilities; registration revocation or suspension

4 A. The department may, on its own motion or upon receipt of a complaint,
5 after investigation and opportunity for a public hearing at which the cannabis testing
6 facility has been afforded an opportunity to be heard, suspend or revoke a
7 registration certificate for multiple negligent, willful or knowing violations or for a
8 serious and knowing willful violation of this Part or any rules promulgated pursuant
9 to this Part by the registrant or any of its agents.

10 B. The department shall provide notice of suspension, revocation, fine, or
11 other sanction, as well as the required notice of the hearing, by mailing the same in
12 writing to the cannabis testing facility at the address on the registration certificate.

13 C.(1) A suspension shall not be for a longer period than six months.

14 (2) A cannabis testing facility may continue to possess cannabis during a
15 suspension, but it shall not receive, transfer, or sell cannabis.

16 D. Revocation shall be considered a final board action subject to judicial
17 review. Jurisdiction and venue for judicial review are vested in the First Circuit
18 Court of Appeal.

19 §1045.64. Cannabis testing facilities; inspections

20 Cannabis testing facilities are subject to inspection by the department during
21 business hours.

22 SUBPART H. LOCAL ORDINANCES

23 §1045.71. Local ordinances permitted

24 A.(1) A municipality or parish may enact ordinances prohibiting therapeutic
25 cannabis establishments in the municipality or parish or governing the time, place,
26 manner, and number of therapeutic cannabis establishment operations in the
27 municipality or parish.

1 (2) A municipality or parish may establish penalties for violation of an
2 ordinance or regulations governing the time, place, and manner of a therapeutic
3 cannabis establishment that may operate in the municipality or parish.

4 (3) A municipality or parish may require a therapeutic cannabis
5 establishment to obtain a local license, permit, or registration to operate and may
6 charge a reasonable fee for the local license, permit, or registration.

7 SUBPART I. THERAPEUTIC CANNABIS ESTABLISHMENTS –

8 GENERAL REQUIREMENTS

9 §1045.81. Background checks required

10 A. Therapeutic cannabis establishments shall conduct a background check
11 into the criminal history of every person seeking to become a principal officer, board
12 member, agent, volunteer, or employee before the person begins working at the
13 therapeutic cannabis establishment.

14 B. A therapeutic cannabis establishment shall not employ any person who
15 was convicted of a disqualifying felony offense or who is under twenty-one years of
16 age.

17 §1045.82. Recordkeeping required

18 The operating documents of a therapeutic cannabis establishment shall
19 include procedures for the oversight of the therapeutic cannabis establishment and
20 procedures to ensure accurate recordkeeping.

21 §1045.83. Security measures required; theft or loss to be reported

22 A. A therapeutic cannabis establishment shall implement appropriate
23 security measures designed to deter and prevent the theft of cannabis and
24 unauthorized entrance into areas containing cannabis.

25 B. A therapeutic cannabis establishment shall notify the department and the
26 appropriate registering authority within one business day of any theft or significant
27 loss of cannabis.

1 §1045.84. Prohibited acts; office sharing; patient referral

2 A therapeutic cannabis establishment shall not share office space with or
3 refer patients to a physician.

4 SUBPART J. REGULATORY AUTHORITY

5 §1045.91. Department of Agriculture; therapeutic cannabis manufacturers;
6 rulemaking

7 A. No later than November 1, 2016, the Department of Agriculture and
8 Forestry shall promulgate rules to address all of the following:

9 (1) The form and content of registration and renewal applications for
10 therapeutic cannabis manufacturers.

11 (2) Reasonable application and renewal fees for therapeutic cannabis
12 manufacturers not to exceed five thousand dollars that generate revenues sufficient
13 to offset all of the Department of Agriculture and Forestry's expenses for the
14 registering and regulating of therapeutic cannabis manufacturers.

15 (3) Procedures for suspending or terminating the registration certificate of
16 a therapeutic cannabis manufacturer that commits multiple or serious violations of
17 the provisions of this Part or the regulations promulgated pursuant to this Section.

18 (4) Regulation of therapeutic cannabis manufacturers with the goals of
19 ensuring the health and safety of qualifying patients and preventing diversion and
20 theft without imposing an undue burden upon or compromising the confidentiality
21 of cardholders including but not limited to all of the following:

22 (a) Oversight requirements.

23 (b) Recordkeeping requirements.

24 (c) Security requirements including but not limited to lighting, physical
25 security for both indoor and outdoor cultivation, and alarm requirements.

26 (d) Health and safety regulations including but not limited to restrictions on
27 the use of pesticides that are injurious to human health.

28 (e) Requirements for the transportation and storage of cannabis by
29 therapeutic cannabis manufacturers.

1 (f) Employment and training requirements including but not limited to a
2 requirement that each therapeutic cannabis manufacturer create an identification
3 badge for each agent.

4 (g) Standards for the safe manufacture of cannabis products including but not
5 limited to extracts and concentrates.

6 (h) Requirements and procedures for the safe and accurate packaging and
7 labeling of therapeutic cannabis.

8 §1045.92. Department of Health and Hospitals; debilitating medical conditions;
9 registry identification cards; rulemaking

10 A. No later than September 1, 2016, the Louisiana Department of Health and
11 Hospitals shall promulgate rules to address all of the following:

12 (1) The manner in which the department shall consider petitions from the
13 public to add debilitating medical conditions or treatments to the list of debilitating
14 medical conditions pursuant to R.S. 40:1045.21 including but not limited to public
15 notice of and opportunities to comment in public hearings on the petitions.

16 (2) The manner in which the department shall consider applications for and
17 renewals of registry identification cards which may include creating a standardized
18 written certification form.

19 (3) Procedures for suspending or terminating the registry identification card
20 of a cardholder that commits multiple or serious violations of the provisions of this
21 Part or the regulations promulgated pursuant to this Section.

22 (4) Reasonable application and renewal fees for registry identification cards
23 set by a sliding scale based upon a qualifying patient's household income, the total
24 sum of which is no greater than the costs of processing applications and issuing
25 registry identification cards.

26 §1045.93. Louisiana Board of Pharmacy; therapeutic cannabis dispensaries;
27 rulemaking

28 A. No later than January 1, 2017, the Louisiana Board of Pharmacy shall
29 promulgate rules to address all of the following:

1 (1) The form and content of registration and renewal applications for
2 therapeutic cannabis dispensaries.

3 (2) Procedures for suspending or terminating the registration certificate of
4 a therapeutic cannabis dispensary that commits multiple or serious violations of the
5 provisions of this Part or the regulations promulgated pursuant to this Section.

6 (3) The regulation of therapeutic cannabis dispensaries with the goals of
7 ensuring the health and safety of qualifying patients and preventing diversion and
8 theft without imposing an undue burden or compromising the confidentiality of
9 cardholders including but not limited to all of the following:

10 (a) Oversight requirements.

11 (b) Recordkeeping requirements.

12 (c) Security requirements including but no limited to lighting, physical
13 security, and alarm requirements.

14 (d) The storage of cannabis by therapeutic cannabis dispensaries.

15 (e) Employment and training requirements including but not limited to the
16 requirement that each therapeutic cannabis dispensary create an identification badge
17 for each agent.

18 (f) Restrictions on the advertising, signage, and display of therapeutic
19 cannabis.

20 (g) Requirements and procedures for the safe and accurate packaging of
21 therapeutic cannabis.

22 (4) Procedures for the safe delivery of cannabis from dispensaries to
23 cardholders.

24 (5) Labeling requirements for cannabis and cannabis products including but
25 not limited to requiring cannabis product labels to include all of the following
26 information:

27 (a) The length of time it typically takes for the product to take effect.

28 (b) Disclosure of ingredients and possible allergens.

29 (c) A nutritional fact panel.

1 (d) If the cannabis product is edible, when practicable, a standard symbol
2 clearly indicating that the product contains cannabis.

3 (5) The maximum amount of cannabis products, including the amount of
4 concentrated cannabis, each cardholder is authorized to possess.

5 (6) Reasonable application and renewal fees for therapeutic cannabis
6 dispensary registration certificates not exceed five thousand dollars, with this upper
7 limit adjusted annually for inflation, the sum of which shall generate revenues
8 sufficient to offset all expenses of implementing and administering this Part.

9 §1045.94. Department of Health and Hospitals; therapeutic cannabis testing
10 facilities; rulemaking

11 No later than January 1, 2017, the department shall promulgate rules to
12 provide for standards for testing facilities including but not limited requirements for
13 equipment and qualifications for personnel.

14 SUBPART K. VIOLATIONS AND PENALTIES

15 §1045.101. Violations; penalties

16 A. A registered cardholder or therapeutic cannabis establishment who
17 willfully fails to provide a notice required by this Part shall be subject to a civil
18 penalty not to exceed one hundred fifty dollars.

19 B.(1) In addition to any other penalty applicable in law, a therapeutic
20 cannabis establishment or a therapeutic cannabis establishment agent who
21 intentionally sells or otherwise transfers cannabis in exchange for anything of value
22 to a person other than a registered cardholder or to a therapeutic cannabis
23 establishment or its agent shall be guilty of a felony punishable by imprisonment for
24 not more than two years or by payment of a fine of not more than three thousand
25 dollars, or both.

26 (2) A person convicted pursuant to this Subsection shall not continue to be
27 affiliated with the therapeutic cannabis establishment and shall be disqualified from
28 further participation as provided for in this Part.

1 C. In addition to any other penalty applicable in law, a registered cardholder
2 who intentionally sells or otherwise transfers cannabis in exchange for anything of
3 value to a person other than a registered cardholder or to a therapeutic cannabis
4 establishment or its agent shall be guilty of a felony punishable by imprisonment for
5 not more than two years or by payment of a fine of not more than three thousand
6 dollars, or both.

7 D.(1) A person who intentionally makes a false statement to a law
8 enforcement official about any fact or circumstance relating to the therapeutic use
9 of cannabis to avoid arrest or prosecution shall be guilty of a misdemeanor
10 punishable by imprisonment for not more than ninety days or by payment of a fine
11 of not more than one thousand dollars, or both. This penalty shall be in addition to
12 any other penalties that may apply for making a false statement or for the possession,
13 cultivation, or sale of cannabis not protected by this Part.

14 (2) If a person found guilty pursuant to this Subsection is a registered
15 cardholder, the person is disqualified from further participation as provided in this
16 Part.

17 E. A person who knowingly submits false records or documentation required
18 pursuant to this Part to certify a therapeutic cannabis establishment shall be guilty
19 of a felony punishable by imprisonment for not more than two years or by payment
20 of a fine of not more than three thousand dollars, or both.

21 F. A physician who knowingly refers patients to a therapeutic cannabis
22 establishment or to a designated caregiver, who advertises in that therapeutic
23 cannabis establishment, or who issues written certifications while holding a financial
24 interest in a therapeutic cannabis establishment shall be fined up to one thousand
25 dollars.

26 G. It shall be a misdemeanor punishable by up to six months in jail and a five
27 hundred dollar fine for any person, including an employee or official of the
28 department or another state agency or local government, to knowingly breach the
29 confidentiality of information provided for in this Part.

1 H. A therapeutic cannabis establishment shall be fined up to one thousand
2 dollars for any violation of this Part or the regulations issued pursuant to them where
3 no penalty has been specified. This penalty is in addition to any other penalties
4 applicable in law.

5 SUBPART L. CONFIDENTIALITY

6 §1045.111. Confidentiality of data; permissible disclosure

7 A. Data in registration applications and supporting data submitted by
8 qualifying patients, designated caregivers, and therapeutic cannabis establishments,
9 including data on designated caregivers and physicians, are private data on
10 individuals that is confidential and exempt from disclosure pursuant to the Louisiana
11 Public Records Law, RS 44.1 et seq.

12 B. Data kept or maintained by the Department of Health and Hospitals,
13 Department of Agriculture and Forestry, and the Louisiana Board of Pharmacy
14 pursuant to this Part shall not be used for any purpose not provided for in this Part
15 and shall not be combined or linked in any manner with any other list or database.

16 C. Data kept or maintained by the Department of Health and Hospitals,
17 Department of Agriculture and Forestry, and the Louisiana Board of Pharmacy
18 pursuant to this Part may be disclosed as necessary for any of the following reasons:

19 (1) Verification of registration certificates and registry identification cards
20 pursuant to this Part.

21 (2) Submission of the annual report as provided for in this Part.

22 (3) Notification of state or local law enforcement of apparent criminal
23 violations of this Part.

24 (4) Notification of state or local law enforcement about falsified or
25 fraudulent information submitted for purposes of obtaining or renewing a registry
26 identification card.

27 (5) Notification of the Louisiana State Board of Medical Examiners if there
28 is reason to believe that a physician provided a written certification without a bona

1 fide physician-patient relationship, if the department has reason to believe the
2 physician otherwise violated the standard of care for evaluating medical conditions.

3 D. Any information kept or maintained by therapeutic cannabis
4 establishments shall identify cardholders by their registry identification numbers and
5 shall not contain names or other personally identifying information.

6 E. At the cardholder's request, the department may confirm the cardholder's
7 status as a registered qualifying patient or a registered designated caregiver to a third
8 party such as a landlord, school, medical professional, law enforcement authority,
9 or court.

10 F. Any hard drives or other data-recording media that are no longer in use
11 by the Department of Health and Hospital and that contain cardholder information
12 shall be timely destroyed.

13 SUBPART M. ADVISORY COMMITTEE

14 §1045.121. Advisory committee; members; meetings; terms; quorum

15 A. The legislature shall appoint an advisory committee comprised of all of
16 the following:

17 (1) One member of the House of Representatives.

18 (2) One member of the Senate.

19 (3) The secretary of the Department of Health and Hospitals or his designee.

20 (4) The president of the Louisiana Board of Pharmacy or his designee.

21 (5) The commissioner of the Department of Agriculture and Forestry or his
22 designee.

23 (6) One physician licensed to practice medicine in the state of Louisiana
24 with experience in therapeutic cannabis issues.

25 (7) One nurse licensed to practice nursing in the state of Louisiana with
26 experience in therapeutic cannabis issues.

27 (8) One board member or principal officer of a cannabis testing facility.

28 (9) One individual with experience in policy development or implementation
29 in the field of therapeutic cannabis.

1 (10) Two qualifying patients.

2 B. The advisory committee shall meet at least two times per year for the
3 purpose of evaluating and making recommendations to the legislature and the
4 department regarding all of the following:

5 (1) The ability of qualifying patients in all areas of the state to obtain timely
6 access to a variety of strains of high-quality therapeutic cannabis.

7 (2) The effectiveness of the therapeutic cannabis establishment dispensaries,
8 individually and together, in serving the needs of qualifying patients including but
9 not limited to the provision of educational and support services by dispensaries, the
10 reasonableness of their prices, whether they are generating any complaints or
11 security problems, and the sufficiency of the number of them operating to effectively
12 serve the state's registered qualifying patients.

13 (3) Whether a single therapeutic cannabis manufacturer is sufficient to
14 provide steady access to a variety of cannabis products and strains at a reasonable
15 cost.

16 (4) The effectiveness of the cannabis testing facilities including but not
17 limited to whether a sufficient number are operating.

18 (5) The sufficiency of the regulatory and security safeguards contained in
19 this Part and in the regulations adopted pursuant to this Part to ensure that access to
20 and use of cannabis cultivated is provided only to cardholders.

21 (6) Whether additional qualifying medical conditions should be approved.

22 (7) Any recommended additions or revisions to this Part including but not
23 limited to provisions relating to security, safe handling, labeling, nomenclature, and
24 whether additional types and numbers of licenses should be made available.

25 (8) Any research studies regarding health effects of therapeutic cannabis for
26 patients.

27 C. Members shall serve without compensation.

28 D. The advisory committee shall elect a chairman and any other officers the
29 advisory committee deems necessary.

1 E. Each member of the advisory committee shall serve a term concurrent
2 with the term of the legislature during which the member was appointed. Each
3 member shall succeed himself in each subsequent term thereafter unless removed or
4 replaced by the legislature.

5 F. Six members of the advisory committee shall constitute a quorum.

6 G. The secretary of the department shall convene the first meeting of the
7 advisory committee and shall designate department staff to assist the advisory
8 committee in performing its duties and responsibilities.

9 SUBPART N. ANNUAL REPORT

10 §1045.131. Annual report to legislature

11 A. The Department of Health and Hospitals, Department of Agriculture and
12 Forestry, and the Louisiana Board of Pharmacy shall jointly report annually to the
13 legislature on the findings and recommendations of the advisory committee
14 established pursuant to R.S. 40:1045.101, the number of applications for registry
15 identification cards received, the number of qualifying patients and designated
16 caregivers approved, the number of registry identification cards revoked, the number
17 of each type of therapeutic cannabis establishment that is registered, and the
18 expenses incurred and revenues generated from the therapeutic cannabis program.

19 B. The department shall not include identifying information on qualifying
20 patients, designated caregivers, or physicians in the report.

21 SUBPART O. CHOICE OF LAWS

22 §1045.141. Confidentiality of data; permissible disclosure

23 The growth, processing, manufacture, acquisition, transportation, sale,
24 dispensing, distribution, possession, and consumption of therapeutic cannabis or
25 related paraphernalia pursuant to this Part shall not be deemed to be a violation of
26 any other provision of state law including but not limited to the provisions of this
27 Chapter. If a provision of this Chapter relating to marijuana conflicts with a
28 provision of this Part, the provision of this Part shall take precedence.

29 Section 2. R.S. 44:4..1(B)(26) is hereby amended and reenacted to read as follows:

1 §4.1. Exceptions

2 * * *

3 B. The legislature further recognizes that there exist exceptions, exemptions,
4 and limitations to the laws pertaining to public records throughout the revised
5 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
6 limitations are hereby continued in effect by incorporation into this Chapter by
7 citation:

8 * * *

9 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 526, 528, 1007, 1045.91, 1098.8,
10 1232.7, 1299.6, 1299.35.10, 1299.44, 1299.85, 1299.87, 1300.14, 1300.54,
11 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106,
12 2109.1, 2138, 2532, 2845.1

13 * * *

14 Section 3. R.S. 40:1046 is hereby repealed in its entirety.

15 Section 4. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1112 Original 2016 Regular Session James

Abstract: Establishes the Louisiana Therapeutic Use of Cannabis Act.

Proposed law authorizes the therapeutic use of cannabis for persons who suffer from qualifying medical conditions.

Proposed law requires qualifying patients and their designated caregivers to register with the Dept. of Health and Hospitals to receive a registry identification card and provides for the verification of the cards.

Proposed provides for the registration of therapeutic cannabis manufacturers with the Dept. of Agriculture and Forestry dispensaries.

Proposed provides for the registration of therapeutic cannabis dispensaries with the La. Board of Pharmacy.

Proposed provides for the registration of cannabis testing facilities with the Dept. of Health and Hospitals.

Proposed law authorizes local ordinances to regulate the dispensing or use of therapeutic cannabis.

Proposed law requires the state regulatory entities to promulgate administrative rules to provide for regulation of the registrants.

Proposed law establishes penalties for violations of proposed law.

Proposed law provide for the confidentiality of data provided by registrants and creates an exemption to the Public Records Law for the data.

Proposed law establishes an advisory committee appointed by the legislature.

Proposed law requires the Dept. of Health and Hospitals to provide an annual report to the legislature.

Proposed law provides that provisions of proposed law shall prevail over conflicting provisions of present law.

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

(Adds R.S. 40:1045.1-1045.141; Amends R.S. 44:4.1(B)(26))