

2019 Regular Session

HOUSE BILL NO. 358

BY REPRESENTATIVES JAMES, ARMES, BAGLEY, BAGNERIS, BILLIOT, BOUIE, BRASS, CHAD BROWN, CARPENTER, GARY CARTER, COX, CREWS, DUBUISSON, DUPLESSIS, FALCONER, FOIL, GAINES, GISCLAIR, GLOVER, JIMMY HARRIS, JACKSON, JORDAN, TERRY LANDRY, LARVADAIN, LEBAS, LEGER, LYONS, MARINO, MOORE, NORTON, PEARSON, PIERRE, PYLANT, RICHARD, AND SMITH

1 AN ACT

2 To amend and reenact R.S. 40:1046(A)(1), (2)(b), (3), (4), and (H)(1)(a) and to repeal R.S.  
3 40:1046(A)(2)(d), (e), and (5) and Sections 2 and 4 of Act No. 96 of the 2016  
4 Regular Session of the Legislature of Louisiana, relative to marijuana for therapeutic  
5 use, known also as medical marijuana; to provide relative to the authorization for  
6 physicians to recommend medical marijuana to a patient; to provide for the forms of  
7 medical marijuana which a physician may recommend; to provide relative to  
8 administrative rules for medical marijuana production; to repeal laws that refer to the  
9 prescribing of medical marijuana; to repeal laws that are contingent upon federal  
10 approval of marijuana for medical use; to repeal a requirement that the Louisiana  
11 State Board of Medical Examiners report to the legislature concerning potential  
12 additions to the list of diseases or conditions qualifying a patient for treatment with  
13 medical marijuana; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 40:1046(A)(1), (2)(b), (3), (4), and (H)(1)(a) are hereby amended and  
16 reenacted to read as follows:

17 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;  
18 Louisiana Board of Pharmacy and the adoption of rules and regulations  
19 relating to the dispensing of recommended marijuana for therapeutic use; the  
20 Department of Agriculture and Forestry and the licensure of a production  
21 facility

22 A.(1) Notwithstanding any other provision of this Part, a physician licensed  
23 by and in good standing with the Louisiana State Board of Medical Examiners to

1 practice medicine in this state ~~and who is domiciled in this state~~ may recommend,  
 2 in any form as permitted by the rules and regulations of the Louisiana Board of  
 3 Pharmacy except for inhalation, and raw or crude marijuana, tetrahydrocannabinols;  
 4 or a chemical derivative of tetrahydrocannabinols for therapeutic use by ~~patients~~ any  
 5 patient clinically diagnosed as suffering from a debilitating medical condition.  
 6 Nothing in this Paragraph shall be construed to prevent the Louisiana Board of  
 7 Pharmacy from permitting, by rule, medical marijuana in a form to be administered  
 8 by metered-dose inhaler. For purposes of this Section, "metered-dose inhaler" means  
 9 a device that delivers a specific amount of medication to the lungs, in the form of a  
 10 short burst of medicine that is usually self-administered by the patient via inhalation.

11 (2)(a)

12 \* \* \*

13 (b) No physician shall recommend medical marijuana for treatment of any  
 14 condition associated with autism spectrum disorder for a patient who is under the age  
 15 of eighteen unless the physician complies with the provisions of this Section and  
 16 consults with a pediatric subspecialist. For purposes of this Subparagraph a pediatric  
 17 subspecialist is an individual licensed to practice medicine in any state in the United  
 18 States who provides care to patients with autism spectrum disorder.

19 \* \* \*

20 (3) For purposes of this Part, "recommend" or "recommended" means an  
 21 order from a physician ~~domiciled in Louisiana~~ and licensed by and in good standing  
 22 with the Louisiana State Board of Medical Examiners and authorized by the board  
 23 to recommend medical marijuana that is patient-specific and disease-specific in  
 24 accordance with Paragraph (2) of this Subsection, and is communicated by any  
 25 means allowed by the Louisiana Board of Pharmacy to a Louisiana-licensed  
 26 pharmacist in a Louisiana-permitted dispensing pharmacy as described in Subsection  
 27 G of this Section, and is preserved on file as required by Louisiana law or federal law  
 28 regarding medical marijuana.

29 (4) ~~Physicians~~ A physician licensed to practice medicine in Louisiana may  
 30 recommend medical marijuana to any patient suffering from a debilitating medical

1 condition with whom he shares a bona fide doctor-patient relationship and shall  
2 recommend use of medical marijuana for treatment of debilitating medical  
3 conditions in accordance with rules and regulations promulgated by the Louisiana  
4 State Board of Medical Examiners.

5 \* \* \*

6 H.(1)(a) The Department of Agriculture and Forestry shall develop the rules  
7 and regulations regarding the extraction, processing, and production of  
8 recommended therapeutic marijuana and the facility producing therapeutic  
9 marijuana. The rules and regulations shall ~~include but not be limited to both of the~~  
10 ~~following minimum standards:~~

11 ~~(i) In order to mitigate the risk of bacterial contamination, food-grade~~  
12 ~~ethanol extraction shall be used.~~

13 ~~(ii) The~~ require as a minimum standard that the extraction and refining  
14 process ~~shall~~ produce a product that is ~~food-safe~~ food-safe and capable of producing  
15 pharmaceutical-grade products.

16 \* \* \*

17 Section 2. R.S. 40:1046(A)(2)(d), (e), and (5) and Sections 2 and 4 of Act No. 96 of  
18 the 2016 Regular Session of the Legislature of Louisiana are hereby repealed in their  
19 entirety.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_