
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Mills (SB 541)

Present law authorizes the prescribing of therapeutic marijuana for certain medical conditions.

Proposed law deletes present law.

Proposed law provides that a physician as defined may prescribe therapeutic marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use if all of the following occur:

- (1) The physician is a certified neurologist, oncologist, or ophthalmologist licensed to practice medicine in Louisiana.
- (2) The physician is registered to prescribe controlled dangerous substances with the DEA.
- (3) The physician has obtained a license to prescribe therapeutic marijuana.
- (4) The physician has a bonafide physician-patient relationship with a patient who suffers from a qualifying medical condition and the physician determines that therapeutic marijuana is the best treatment option for that patient.

Proposed law provides that the prescriptive authority shall only extend to certified neurologists, oncologists, and ophthalmologists and shall only be prescribed for the treatment of a qualifying medical condition.

Proposed law creates the Therapeutic Marijuana Utilization Review Board and provides for its membership.

Proposed law provides that the board shall have rulemaking authority and shall work in conjunction with the commissioner of the Dept. of Agriculture and Forestry, the Louisiana Board of Pharmacy, and the Louisiana Board of Medical Examiners to facilitate the necessary licensing to prescribe, produce, and dispense therapeutic marijuana in Louisiana.

Proposed law places the Therapeutic Marijuana Utilization Review Board within the Department of Health and Hospitals.

Proposed law provides that the Dept. of Health and Hospitals shall supply staffing and facilities to assist the board in administering the provisions of proposed law.

Proposed law establishes criteria and licensing qualifications for therapeutic marijuana

dispensers, therapeutic marijuana treatment facilities, therapeutic marijuana producers, therapeutic marijuana production facilities, and physicians licensed to prescribe therapeutic marijuana and authorizes the board to develop the policies to implement proposed law through the adoption of rules.

Proposed law provides that the House and Senate committees on health and welfare shall have oversight over rules adopted by the Therapeutic Marijuana Utilization Review Board.

Proposed law provides that the applicant for any license must be determined to be suitable which means that the applicant is:

- (1) A resident of the state.
- (2) 21 years of age or older.
- (3) A person of good character, honesty, and integrity.
- (4) A person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest.
- (5) A person who is capable of and likely to conduct the activities for which the applicant is licensed.
- (6) A person who does not owe the state or any local governing authority or any municipality any delinquent sales taxes, penalties, or interest.
- (7) A person who agrees in writing to hold harmless and indemnify the licensing authority, the state, or the board for any and all liability arising out of the issuance of the license.
- (8) A person who is not disqualified.

Proposed law provides that a person will be disqualified from obtaining a license based upon any of the following:

- (1) The conviction or a plea of guilty or nolo contendere by the applicant for any offense punishable by imprisonment of more than one year, any offense involving a controlled dangerous substance, or a crime of violence or a sex offense.
- (2) The person is not current in filing all applicable tax returns and in the payment of all taxes, penalties, and interest owed to the state of Louisiana or any political subdivision of Louisiana, excluding items under formal appeal.
- (3) The failure to provide information and documentation to reveal any fact material to a suitability determination, or the supplying of information which is untrue or misleading as to a material fact pertaining to the suitability criteria.

Provides that the licenses provided for by proposed law shall be issued by the following licensing authorities:

- (1) A therapeutic marijuana treatment center license shall be issued by the Louisiana Board of Pharmacy.
- (2) A therapeutic marijuana dispensing agent license shall be issued by the Louisiana Board of Pharmacy.
- (3) A license to prescribe therapeutic marijuana shall be issued by the Louisiana Board of Medical Examiners.
- (4) A therapeutic marijuana production facility license shall be issued by the commissioner of the Dept. of Agriculture and Forestry.
- (5) A therapeutic marijuana producer license shall be issued by the commissioner of the Dept. of Agriculture and Forestry.

Proposed law provides for the creation of the Louisiana Therapeutic Use of Marijuana Fund. Provides that the fund shall be administered by the board.

Proposed law provides that the Dept. of Agriculture and Forestry, the Louisiana Board of Medical Examiners, and the Louisiana Board of Pharmacy shall be reimbursed for any expenses those departments incur for the investigation and licensing functions.

Proposed law provides for an exemption from prosecution if a person is in possession or producing, manufacturing, dispensing, or distributing therapeutic marijuana as authorized by proposed law.

Proposed law provides that therapeutic marijuana shall not be covered by health insurance.

Proposed law provides that no licenses shall be issued until all rules have been adopted.

Effective January 1, 2015.

(Amends R.S. 40:1046.1-1046.15; adds R.S. 36:259(OO))