
DIGEST

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HB 358 Engrossed

2019 Regular Session

James

Abstract: Revises laws relative to the authorization for physicians to recommend medical marijuana to certain patients and to the forms and production of medical marijuana.

Present law authorizes physicians who are domiciled in this state and licensed by and in good standing with the La. State Board of Medical Examiners to recommend medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition. Defines "debilitating medical condition" to mean cancer, glaucoma, Parkinson's disease, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, severe muscle spasms, intractable pain, Crohn's disease, muscular dystrophy, multiple sclerosis, post traumatic stress disorder, and certain conditions associated with autism spectrum disorder. Proposed law deletes the requirement that the physician be domiciled in this state; otherwise, retains present law.

Present law authorizes physicians with the necessary qualifications to recommend medical marijuana in any form as permitted by the rules and regulations of the La. Board of Pharmacy except for inhalation and raw or crude marijuana. Proposed law deletes the prohibition on medical marijuana in inhalation form; otherwise, retains present law.

Present law provides that physicians shall recommend use of medical marijuana for treatment of debilitating medical conditions in accordance with rules and regulations of the La. State Board of Medical Examiners. Proposed law retains present law and adds provisions authorizing a physician to recommend medical marijuana to any patient suffering from a debilitating medical condition with whom he shares a bona fide doctor-patient relationship.

Proposed law deletes all of the following provisions of present law:

- (1) Provisions that refer to the prescribing of medical marijuana.
- (2) Provisions that are contingent upon the reclassification of marijuana within federal controlled substances schedules by the U.S. Drug Enforcement Administration.
- (3) Provisions that are contingent upon approval of marijuana for medical use by the U.S. Food and Drug Administration.
- (4) Provisions requiring that food-grade ethanol extraction be used in the production of medical marijuana.
- (5) Provisions requiring the La. State Board of Medical Examiners to submit to the legislative committees on health and welfare an annual report as to any additional diseases or medical conditions that should be added to the list of debilitating medical conditions established in present law.

(Amends R.S. 40:1046(A)(1), (3), (4), and (H)(1)(a); Repeals R.S. 40:1046(A)(2)(d), (e), and (5) and §§2 and 4 of Act No. 96 of the 2016 R.S.)