

2020 Regular Session

HOUSE BILL NO. 244

BY REPRESENTATIVE LYONS

MEDICAL MARIJUANA: Provides relative to marijuana pharmacies, creates the Medical Marijuana Affordable Access Council, and authorizes the regulation of medical marijuana prices

1 AN ACT

2 To amend and reenact R.S. 40:1046(G) and to enact R.S. 36:259(B)(37) and R.S. 40:1048,
3 relative to marijuana for therapeutic use, known commonly as medical marijuana;
4 to provide for special marijuana dispensing pharmacy permits to be issued by the
5 Louisiana Board of Pharmacy; to create the Medical Marijuana Affordable Access
6 Council; to provide for the membership and meetings of the council; to provide for
7 functions of the council with respect to pricing of medical marijuana; to authorize
8 the Louisiana Board of Pharmacy to regulate the price of medical marijuana; to
9 provide for administrative rulemaking; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:259(B)(37) is hereby enacted to read as follows:

12 §259. Transfer of agencies and functions to Louisiana Department of Health

13 * * *

14 B. The following agencies, as defined in R.S. 36:3, are placed within the
15 Louisiana Department of Health and shall perform and exercise their powers, duties,
16 functions, and responsibilities as otherwise provided by law:

17 * * *

18 (37) The Medical Marijuana Affordable Access Council (R.S. 40:1048).

19 * * *

1 Section 2. R.S. 40:1046(G) is hereby amended and reenacted and R.S. 40:1048 is
2 hereby enacted to read as follows:

3 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
4 regulations; of the Louisiana State Board of Medical Examiners and
5 Louisiana Board of Pharmacy; ~~and the adoption of rules and regulations~~
6 ~~relating to the dispensing of recommended marijuana for therapeutic use; the~~
7 ~~Department of Agriculture and Forestry and the licensure of a production~~
8 ~~facility~~ licensing by the Department of Agriculture and Forestry

9 * * *

10 G.(1) The Louisiana Board of Pharmacy shall develop an annual,
11 nontransferable ~~specialty license~~ special permit for a licensed pharmacy to dispense
12 recommended marijuana for therapeutic use and shall limit the number of ~~such~~
13 ~~licenses~~ these permits granted in the state ~~to no more than ten licensees.~~ The
14 Louisiana Board of Pharmacy shall ~~develop rules and regulations regarding the~~
15 ~~geographical locations of dispensing pharmacies in Louisiana~~ such that no more than
16 two pharmacies per Louisiana zip code are permitted to dispense medical marijuana.

17 (2) The Louisiana Board of Pharmacy shall regulate the prices that
18 pharmacies charge to consumers for marijuana for therapeutic use by promulgating
19 and enforcing the price limits recommended to the board by the Medical Marijuana
20 Affordable Access Council in accordance with R.S. 40:1048(E).

21 * * *

22 §1048. Medical Marijuana Affordable Access Council; membership; functions

23 A. The legislature hereby creates the Medical Marijuana Affordable Access
24 Council, referred to hereafter in this Section as the "council", which shall be
25 composed of the following members:

- 26 (1) The president of the Louisiana Board of Pharmacy or his designee.
- 27 (2) The president of the Louisiana State Board of Medical Examiners or his
28 designee.
- 29 (3) The commissioner of agriculture or his designee.

1 (4) One member representing the Louisiana State University Agricultural
2 Center appointed by the dean of the college of agriculture of the university.

3 (5) One member representing the Southern University Agricultural Center
4 appointed by the chancellor-dean of the center.

5 (6) Two licensed physicians who are registered with the Louisiana State
6 Board of Medical Examiners, in accordance with rules and regulations of the board,
7 to issue written requests or recommendations for the use of medical marijuana
8 appointed by the president of the Louisiana State Medical Society.

9 (7) One person with a debilitating medical condition, as defined in R.S.
10 40:1046(A), appointed by the speaker of the House of Representatives.

11 (8) One person with a debilitating medical condition, as defined in R.S.
12 40:1046(A), appointed by the president of the Senate.

13 (9) Four members representing the Louisiana Cannabis Coalition appointed
14 by the governor.

15 B.(1) The Louisiana Board of Pharmacy shall convene the initial meeting of
16 the council as soon as is practicable after all council members have been appointed.
17 At its initial meeting, the council shall elect from its membership a chairman and
18 such other officers as it deems necessary. Pursuant to the initial meeting of the
19 council, the Louisiana Board of Pharmacy shall fix a time and place for regular
20 meetings of the council, which shall meet at least quarterly.

21 (2)(a) Each member of the council shall serve a term of two years after the
22 initial terms provided for in Subparagraph (b) of this Paragraph.

23 (b) Seven council members shall serve an initial term of two years and six
24 members shall serve an initial term of one year, as determined by lot at the first
25 meeting of the council.

26 (3) Any vacancy on the council which occurs prior to the expiration of the
27 term for which a member of the council has been appointed shall be filled in the
28 same manner as the original appointment for the unexpired term.

1 (4) After the expiration of his term, a member may continue to serve on the
2 council until his successor is appointed.

3 (5) A member who is appointed after a term has begun shall serve for the
4 remainder of the term, and may continue to serve on the council beyond the
5 expiration of his term until his successor is appointed.

6 (6) No individual may serve as a council member for more than two
7 consecutive two-year terms.

8 C. The council may establish rules of procedure and policies for the
9 administration of its affairs. The council may promulgate such policies in rule in
10 accordance with the Administrative Procedure Act.

11 D. No member of the council shall receive a salary for his service on the
12 council. However, council members shall be reimbursed for travel and other
13 expenses incurred in the performance of their duties in accordance with travel
14 regulations of the division of administration.

15 E. The primary function of the council shall be to recommend to the
16 Louisiana Board of Pharmacy a maximum price to consumers for each of the various
17 forms and types of marijuana for therapeutic use available to patients pursuant to
18 R.S. 40:1046. In formulating its price recommendations, the council shall consider,
19 at minimum, all of the following:

20 (1) The range of prices that would be affordable to low- to moderate-income
21 patients to whom such marijuana is recommended in this state.

22 (2) Costs of production of marijuana for therapeutic use.

23 (3) Profitability of pharmacies permitted to dispense marijuana for
24 therapeutic use.

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 244 Original

2020 Regular Session

Lyons

Abstract: Provides relative to permitting of marijuana pharmacies by the La. Board of Pharmacy, creates the Medical Marijuana Affordable Access Council, and authorizes the regulation of medical marijuana prices.

Present law authorizes physicians who are licensed by and in good standing with the La. State Board of Medical Examiners to recommend medical marijuana for therapeutic use, commonly known as medical marijuana, 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 retains present law.

Present law requires the La. Board of Pharmacy to develop an annual, nontransferable specialty license for a pharmacy to dispense medical marijuana. Limits the number of such licenses to no more than 10. Requires the board to develop rules and regulations regarding the geographical locations of such pharmacies.

Proposed law revises present law to require instead that the La. Board of Pharmacy develop an annual, nontransferable special permit for a licensed pharmacy to dispense medical marijuana. Requires the board to limit the number of these permits such that no more than two pharmacies per La. zip code are permitted to dispense medical marijuana.

Proposed law creates the Medical Marijuana Affordable Access Council, referred to hereafter as the "council". Provides that the council shall be composed of the following 13 members:

- (1) The president of the La. Board of Pharmacy or his designee.
- (2) The president of the La. State Board of Medical Examiners or his designee.
- (3) The commissioner of agriculture or his designee.
- (4) One member representing the Louisiana State University Agricultural Center appointed by the dean of the college of agriculture of the university.
- (5) One member representing the Southern University Agricultural Center appointed by the chancellor-dean of the center.
- (6) Two licensed physicians who are properly registered to issue recommendations for the use of medical marijuana appointed by the president of the La. State Medical Society.
- (7) One person with a debilitating medical condition, as defined in present law relative to medical marijuana (R.S. 40:1046(A)), appointed by the speaker of the House of Representatives.

- (8) One person with a debilitating medical condition, as defined in present law relative to medical marijuana (R.S. 40:1046(A)), appointed by the president of the Senate.
- (9) Four members representing the Louisiana Cannabis Coalition appointed by the governor.

Proposed law requires the La. Board of Pharmacy to convene the initial meeting of the council as soon as is practicable after all council members have been appointed, and to fix a time and place for regular meetings of the council. Provides that the council shall meet at least quarterly.

Proposed law provides for terms of council members and filling of vacancies on the council.

Proposed law prohibits council members from receiving a salary for their service on the council. Provides, however, that council members shall be reimbursed for travel and other expenses incurred in the performance of their duties in accordance with travel regulations of the division of administration.

Proposed law provides that primary function of the council shall be to recommend to the La. Board of Pharmacy a maximum price to consumers for each of the various forms and types of marijuana for therapeutic use available to patients pursuant to present law. Requires that in formulating its price recommendations, the council shall consider, at minimum, all of the following:

- (1) The range of prices that would be affordable to low- to moderate-income patients to whom such marijuana is recommended in this state.
- (2) Costs of production of marijuana for therapeutic use.
- (3) Profitability of pharmacies permitted to dispense marijuana for therapeutic use.

Proposed law requires the La. Board of Pharmacy to regulate the prices that pharmacies charge to consumers for medical marijuana by promulgating and enforcing the price limits recommended to the board by the council in accordance with proposed law.

(Amends R.S. 40:1046(G); Adds R.S. 36:259(B)(37) and R.S. 40:1048)