

2016 Regular Session

HOUSE RESOLUTION NO. 248

BY REPRESENTATIVE ARMES

DRUGS/CONTROLLED: Urges and requests state entities that have a role in the implementation of Act No. 96 of the 2016 Regular Session relative to patient access to therapeutic marijuana to prioritize fully implementing the law as soon as possible

1 A RESOLUTION

2 To urge and request the Louisiana State Board of Medical Examiners, the Louisiana State  
3 Board of Pharmacy, and the Department of Agriculture and Forestry to adopt rules  
4 and regulations necessary to implement the provisions set forth in R.S. 40:1046 and  
5 1047 relative to patient access to recommended medical marijuana for therapeutic  
6 use.

7 WHEREAS, the Louisiana State Board of Medical Examiners is required to  
8 promulgate rules and regulations that physicians shall follow when recommending use of  
9 medical marijuana for treatment of debilitating medical conditions; and

10 WHEREAS, on November 9, 2015, the Louisiana State Board of Medical Examiners  
11 submitted their proposed rules regarding marijuana for therapeutic use by patients suffering  
12 from a qualifying medical condition; and

13 WHEREAS, the Louisiana State Board of Medical Examiners must submit to the  
14 Senate and House committees on health and welfare on an annual basis not less than sixty  
15 days prior to the beginning of the regular session of the legislature, a report containing any  
16 additional diseases or medical conditions that should be added to the list of eligible diseases  
17 and conditions for recommendation; and

18 WHEREAS, the Louisiana Board of Pharmacy is required to adopt rules and  
19 regulations regarding the dispensing of recommended marijuana for therapeutic use and the

1 geographic locations of pharmacies in Louisiana that will be dispensing medical marijuana  
2 recommended for therapeutic use; and

3 WHEREAS, the Louisiana Board of Pharmacy is required to develop an annual,  
4 nontransferable specialty license for a pharmacy to dispense recommended marijuana for  
5 therapeutic use and shall limit the number of such licenses granted in the state to no more  
6 than ten licensees; and

7 WHEREAS, the Department of Agriculture and Forestry is required to develop rules  
8 and regulations regarding the extraction, processing, and production of recommended  
9 therapeutic marijuana and the facility producing therapeutic marijuana; and

10 WHEREAS, the Department of Agriculture and Forestry is mandated to develop an  
11 annual, nontransferable speciality license for the production of recommended marijuana for  
12 therapeutic use; and

13 WHEREAS, the Department of Agriculture and Forestry must limit the number of  
14 such licenses granted in the state to no more than one licensee; and

15 WHEREAS, the license shall be limited to one geographic location as provided for  
16 in the rules by the Department of Agriculture and Forestry; and

17 WHEREAS, the Louisiana State University Agricultural Center and the Southern  
18 University Agricultural Center shall have the right of first refusal to be licensed as the  
19 production facility, either jointly or separately; and

20 WHEREAS, prior to September 1, 2016, the Louisiana State University Agricultural  
21 Center and the Southern University Agricultural Center must provide written notice to the  
22 commissioner of agriculture and forestry of their intent to be licensed as a production  
23 facility, either jointly or separately; and

24 WHEREAS, if the Louisiana State University Agricultural Center and the Southern  
25 University Agricultural Center decline to be licensed as the production facility, either jointly  
26 or separately, the Department of Agriculture and Forestry shall grant the license pursuant  
27 to a contract awarded through a competitive sealed bid or a competitive sealed proposal as  
28 provided for in R.S. 39:1594 and 1595; and

1           WHEREAS, any bid for the license shall include proof of the financial capability of  
2 the bidder to operate a therapeutic marijuana production facility including but not limited  
3 to a net worth of not less than one million dollars; and

4           WHEREAS, the Department of Agriculture and Forestry mandates that any person  
5 applying for licensure submit to a full set of fingerprints, permit the department to request  
6 and obtain state and national criminal history record information on the applicant, and pay  
7 the reasonable costs to be incurred by the department in requesting and obtaining state and  
8 national criminal history record information; and

9           WHEREAS, recommended therapeutic marijuana will allow for an additional form  
10 of medication to treat patients suffering from severely debilitating diseases including but not  
11 limited to cancer, multiple sclerosis, epilepsy, HIV, and AIDS; and

12           WHEREAS, citizens of the state of Louisiana have had to apply for temporary  
13 resident status in other states, move to other states, or have separate homes in other states  
14 in order to receive this type of treatment due to its unavailability in this state; and

15           WHEREAS, families will no longer have to take such drastic measures to obtain this  
16 form of medication once the program is fully implemented.

17           THEREFORE, BE IT RESOLVED that the House of Representatives of the  
18 Legislature of Louisiana does hereby urge and request the Louisiana State University  
19 Agricultural Center and the Southern University Agricultural Centers to expeditiously  
20 submit their decision as to whether they wish to be the licensed production facility to the  
21 Department of Agriculture and Forestry.

22           BE IT FURTHER RESOLVED that the House of Representatives of the Legislature  
23 of Louisiana does hereby urge and request the Louisiana Board of Pharmacy, the Louisiana  
24 Board of Medical Examiners, and the Department of Agriculture and Forestry to develop the  
25 rules and regulations to implement the program in a timely manner in an effort to make the  
26 medication readily available for recommendation to patients by their physicians.

27           BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted  
28 to the president of the Louisiana Board of Medical Examiners, the executive director of the  
29 Louisiana Board of Pharmacy, the commissioner of the Department of Agriculture and  
30 Forestry, the Louisiana State University vice president for agriculture and dean of the

- 1 College of Agriculture, and the interim chancellor of the Southern University Agricultural
  - 2 Center.
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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)]

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HR 248 Original

2016 Regular Session

Armes

Urges and request the Louisiana State University and Southern University Agricultural Centers to submit their written notice as to their intent to become the licensed producer of marijuana that will be recommended for therapeutic use.

Urges and request the La. State Bd. of Medical Examiners, the La. State Bd. of Pharmacy and the Dept. of Agriculture and Forestry to adopt rules and regulations necessary to implement the provisions set forth in R.S. 40:1046 and 1047 relative to patient access to recommended medical marijuana for therapeutic use.