

2016 Regular Session

HOUSE RESOLUTION NO. 248

BY REPRESENTATIVE ARMES

A RESOLUTION

To urge and request the Louisiana State Board of Medical Examiners, the Louisiana State Board of Pharmacy, and the Department 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.

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

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

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

WHEREAS, the Louisiana Board of Pharmacy is required to adopt rules and regulations regarding the dispensing of recommended marijuana for therapeutic use and the geographic locations of pharmacies in Louisiana that will be dispensing medical marijuana recommended for therapeutic use; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the president of the Louisiana Board of Medical Examiners, the executive director of the Louisiana Board of Pharmacy, the commissioner of the Department of Agriculture and Forestry, the Louisiana State University vice president for agriculture and dean of the College of Agriculture, and the interim chancellor of the Southern University Agricultural Center.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES