

2015 Regular Session

SENATE BILL NO. 143

BY SENATOR MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PHARMACISTS. Provides relative to prescribed marijuana for therapeutic uses and the development of rules and regulations by the Louisiana Board of Pharmacy and the Louisiana State Board of Medical Examiners. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:1046, relative to the therapeutic use of marijuana; to provide
3 for the adoption of rules and regulations relating to the prescribing, dispensing, and
4 producing of marijuana for therapeutic use; to provide for a deadline to adopt rules
5 and regulations; to provide for a report to the legislature; to provide for an effective
6 date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1046 is hereby amended and reenacted to read as follows:

9 §1046. Prescription of marijuana for therapeutic use; rules and regulations; secretary
10 of health and hospitals; **Louisiana Board of Pharmacy and the**
11 **adoption of rules and regulations relating to the production and**
12 **dispensing of prescribed marijuana for therapeutic use**

13 A. Notwithstanding any other provision of this Part, a physician licensed to
14 practice medicine in this state and who is also registered to prescribe Schedule I
15 substances with the Drug Enforcement Administration may prescribe, **in any form**
16 **except for inhalation,** marijuana, tetrahydrocannabinols, or a chemical derivative
17 of tetrahydrocannabinols for therapeutic use by patients clinically diagnosed as

1 suffering from ~~glaucoma, symptoms resulting from the administration of~~
2 ~~chemotherapy cancer treatment, and spastic quadriplegia~~ **a medically recognized**
3 **disease or condition** in accordance with rules and regulations promulgated by the
4 secretary of health and hospitals and in accordance with FDA and DEA
5 administrative guidelines for procurement of the controlled substance from the
6 National Institute on Drug Abuse.

7 B. ~~The secretary of health and hospitals, by January 1, 1992~~ **Louisiana State**
8 **Board of Medical Examiners** shall promulgate rules and regulations; authorizing
9 physicians licensed to practice in this state to prescribe marijuana for therapeutic use
10 by patients as described in Subsection A of this Section **no later than January 1,**
11 **2016.**

12 **C.(1) The Louisiana Board of Pharmacy shall adopt rules relating to the**
13 **production and dispensing of prescribed marijuana for therapeutic use no later**
14 **than December 1, 2016. The Louisiana Board of Pharmacy shall seek input**
15 **from groups including but not limited to the following:**

16 **(a) The Louisiana District Attorneys Association.**

17 **(b) The Louisiana Sheriffs' Association.**

18 **(c) The Louisiana Commission of Law Enforcement and the**
19 **Administration of Criminal Justice.**

20 **(d) The Department of Agriculture and Forestry.**

21 **(2) The rules shall include but not be limited to:**

22 **(a) Standards, procedures, and protocols for the effective use of**
23 **prescribed marijuana for therapeutic use as authorized by state law and related**
24 **rules and regulations.**

25 **(b) Standards, procedures, and protocols for the dispensing of prescribed**
26 **therapeutic marijuana in Louisiana.**

27 **(c) Procedures and protocols to provide that no prescribed therapeutic**
28 **marijuana may be dispensed from, produced from, obtained from, sold to, or**
29 **transferred to a location outside of this state.**

1 (d) The establishment of standards, procedures, and protocols for
2 determining the amount of usable prescribed therapeutic marijuana that is
3 necessary to constitute an adequate supply to ensure uninterrupted availability
4 for a period of one month, including amounts for topical treatments.

5 (e) The establishment of standards, procedures, and protocols to ensure
6 that all prescribed therapeutic marijuana produced and distributed is
7 consistently pharmaceutical grade.

8 (f) The establishment of standards and procedures for the revocation,
9 suspension, and nonrenewal of licenses.

10 (g) The establishment of other licensing, renewal, and operational
11 standards which are deemed necessary by the Louisiana Board of Pharmacy.

12 (h) The establishment of standards and procedures for testing prescribed
13 therapeutic marijuana samples for levels of tetrahydrocannabinol (THC) or
14 other testing parameters deemed appropriate by the board.

15 (i) The establishment of health, safety, and security requirements for
16 producers of prescribed therapeutic marijuana.

17 (j) Licensure of producers and dispensers of prescribed therapeutic
18 marijuana.

19 (3) The Louisiana Board of Pharmacy may contract with the Department
20 of Agriculture and Forestry regarding the enforcement of any rules and
21 regulations regarding production of prescribed therapeutic marijuana.

22 D. The Louisiana Board of Pharmacy shall submit a report to the
23 legislature no later than January 1, 2016, with recommendations on possible fee
24 amounts relative to the provisions of this Section.

25 E. All rules shall be adopted in accordance with the provisions of the
26 Administrative Procedure Act.

27 F. Nothing in this Section shall be construed to prohibit the Louisiana
28 State Board of Medical Examiners or the Louisiana Pharmacy Board from
29 adopting emergency rules as otherwise provided for in the Administrative

1 **Procedure Act.**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

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

	DIGEST	
SB 143 Original	2015 Regular Session	Mills

Present law provides a physician licensed to practice medicine in this state and who is also registered to prescribe Schedule I substances with the Drug Enforcement Administration (DEA) may prescribe marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use by patients clinically diagnosed as suffering from glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, and spastic quadriplegia in accordance with rules and regulations promulgated by the secretary of health and hospitals and in accordance with FDA (Food and Drug Administration) and DEA administrative guidelines for procurement of the controlled substance from the National Institute on Drug Abuse.

Proposed law amends present law as a physician licensed to practice medicine in this state and who is also registered to prescribe Schedule I substances with the DEA may prescribe marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in any form except for inhalation for therapeutic use by patients and proposed law removes the specifically listed medical conditions and replaces the list with "a medically recognized disease or condition".

Present law provides the secretary of health and hospitals, by January 1, 1992, shall promulgate rules and regulations authorizing physicians licensed to practice in this state to prescribe marijuana for therapeutic use by patients as described in present law.

Proposed law amends present law by removing the secretary of health and hospitals as the party promulgating the rules and regulations and placing the responsibility of promulgating the rules and regulations with the Louisiana State Board of Medical Examiners (LSBME). Proposed law gives LSBME until January 1, 2016, to promulgate the rules and regulations.

Proposed law provides the Louisiana Board of Pharmacy (LBP) shall adopt rules relating to the production and dispensing of prescribed marijuana for therapeutic use no later than December 1, 2016, and LBP shall seek input from groups including but not limited to the following:

- (1) The Louisiana District Attorneys Association.
- (2) The Louisiana Sheriffs' Association.
- (3) The Louisiana Commission of Law Enforcement and the Administration of Criminal Justice.
- (4) The Department of Agriculture and Forestry.

Proposed law provides the rules shall include but not be limited to:

- (1) Standards, procedures, and protocols for the effective use of prescribed marijuana for therapeutic use as authorized by state law and related rules and regulations.
- (2) Standards, procedures, and protocols for the dispensing of prescribed therapeutic marijuana in Louisiana.
- (3) Procedures and protocols to provide that no prescribed therapeutic marijuana may be dispensed from, produced from, obtained from, sold to, or transferred to a location outside of this state.
- (4) The establishment of standards, procedures, and protocols for determining the amount of usable prescribed therapeutic marijuana that is necessary to constitute an adequate supply to ensure uninterrupted availability for a period of one month, including amounts for topical treatments.
- (5) The establishment of standards, procedures, and protocols to ensure that all prescribed therapeutic marijuana produced and distributed is consistently pharmaceutical grade.
- (6) The establishment of standards and procedures for the revocation, suspension, and nonrenewal of licenses.
- (7) The establishment of other licensing, renewal, and operational standards which are deemed necessary by the LBP.
- (8) The establishment of standards and procedures for testing prescribed therapeutic marijuana samples for levels of tetrahydrocannabinol (THC) or other testing parameters deemed appropriate by the board.
- (9) The establishment of health, safety, and security requirements for producers of prescribed therapeutic marijuana.
- (10) Create licenses for producers and dispensers of prescribed therapeutic marijuana.

Proposed law provides LBP may contract with the Department of Agriculture and Forestry regarding the enforcement of any rules and regulations regarding production of prescribed therapeutic marijuana.

Proposed law provides LBP shall submit a report to the legislature no later than January 1, 2016, with recommendations on possible fee amounts to provide for the provisions of the proposed law.

Proposed law provides the all rules and regulations promulgated pursuant to proposed law shall be adopted in accordance with the provisions of the Administrative Procedure Act.

Proposed law provides nothing in the proposed law shall be construed to prohibit LSBME or LBP from adopting emergency rules as otherwise provided for in the Administrative Procedure Act.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1046)