

ACT No. 496

HOUSE BILL NO. 627

BY REPRESENTATIVES LYONS, ARMES, BAGNERIS, BILLIOT, BOUIE, BRASS, CHAD BROWN, CARPENTER, GARY CARTER, COX, FALCONER, GAINES, GLOVER, HALL, JIMMY HARRIS, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JORDAN, TERRY LANDRY, LEGER, MARINO, NORTON, PIERRE, AND SMITH

1 AN ACT

2 To amend and reenact R.S. 40:1046(A)(2) and (H)(2)(c) and to enact R.S. 40:1046(H)(2)(c)
3 as amended and reenacted by Section 2 of Act No. 96 of the 2016 Regular Session
4 of the Legislature of Louisiana, relative to health conditions for which a
5 recommendation or prescription of medical marijuana is authorized; to authorize the
6 recommendation of or prescription for medical marijuana in treating certain
7 conditions associated with autism spectrum disorder; to provide for enactment of
8 certain provisions upon reclassification of marijuana by the United States Drug
9 Enforcement Administration; to provide for effectiveness; and to provide for related
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 40:1046(A)(2) and (H)(2)(c) are hereby amended and reenacted to
13 read as follows:

14 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;
15 Louisiana Board of Pharmacy and the adoption of rules and regulations
16 relating to the dispensing of recommended marijuana for therapeutic use; the
17 Department of Agriculture and Forestry and the licensure of a production
18 facility

19 A.

20 * * *

21 (2)(a) For purposes of this Subsection, "debilitating medical condition"
22 means ~~cancer, positive status for human immunodeficiency virus, acquired immune~~

1 ~~deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy,~~
 2 ~~spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis.~~ any of the
 3 following:

4 (i) Cancer.

5 (ii) Positive status for human immunodeficiency virus.

6 (iii) Acquired immune deficiency syndrome.

7 (iv) Cachexia or wasting syndrome.

8 (v) Seizure disorders.

9 (vi) Epilepsy.

10 (vii) Spasticity.

11 (viii) Crohn's disease.

12 (ix) Muscular dystrophy.

13 (x) Multiple sclerosis.

14 (xi) Any of the following conditions associated with autism spectrum
 15 disorder:

16 (aa) Repetitive or self-stimulatory behavior of such severity that the physical
 17 health of the person with autism is jeopardized.

18 (bb) Avoidance of others or inability to communicate of such severity that
 19 the physical health of the person with autism is jeopardized.

20 (cc) Self-injuring behavior.

21 (dd) Physically aggressive or destructive behavior.

22 (b) No physician shall recommend medical marijuana for treatment of any
 23 condition associated with autism spectrum disorder for a patient who is under the age
 24 of eighteen unless the physician complies with the provisions of this Section and
 25 consults with a pediatric subspecialist.

26 (c) If the United States Food and Drug Administration approves the use of
 27 medical marijuana in the same form provided for in this Part for any debilitating
 28 medical condition specifically identified in this Paragraph, that medical condition
 29 shall no longer be covered by the provisions of this Part.

1 ~~(c)~~(d) If the United States Food and Drug Administration approves the use
2 of medical marijuana in a form or derivative different than provided for in this Part
3 for any debilitating medical condition specifically identified in this Paragraph, the
4 disease state shall remain covered by the provisions of this Part. The patient shall
5 first be treated by the approved form or derivative of medical marijuana through
6 utilization of step therapy or fail first protocols. If, after use of the United States
7 Food and Drug Administration approved form or derivative of medical marijuana,
8 the physician determines that the preferred treatment required under step therapy or
9 fail first protocol has been ineffective in the treatment of the patient's debilitating
10 medical condition, he may recommend the form of medical marijuana provided for
11 in this Part for use by the patient as medically necessary.

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H.

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17 (c) The Louisiana State University Agricultural Center or the Southern
18 University Agricultural Center may conduct research on marijuana for therapeutic
19 use if the center is licensed as a production facility pursuant to this Section. Effective
20 January 1, 2020, and annually thereafter, the Louisiana State University Agricultural
21 Center and the Southern University Agricultural Center shall submit a report to the
22 Senate and House committees on health and welfare, to include data and outcomes
23 of the research conducted pursuant to this Paragraph.

* * *

25 Section 2. R.S. 40:1046(A)(2) as amended and reenacted by Section 2 of Act No.
26 96 of the 2016 Regular Session of the Legislature of Louisiana is hereby amended and
27 reenacted and R.S. 40:1046(H)(2)(c) is hereby enacted to read as follows:

1 §1046. Prescription of marijuana for therapeutic use; rules and regulations;
 2 Louisiana Board of Pharmacy and the adoption of rules and regulations
 3 relating to the dispensing of prescribed marijuana for therapeutic use; the
 4 Department of Agriculture and Forestry and the licensure of a production
 5 facility

6 A.

7 * * *

8 (2)(a) For purposes of this Subsection, "debilitating medical condition"
 9 means any of the following:

10 (i) ~~cancer~~; Cancer.

11 (ii) ~~positive status for human immunodeficiency virus~~; Positive status for
 12 human immunodeficiency virus.

13 (iii) ~~acquired immune deficiency syndrome~~; Acquired immune deficiency
 14 syndrome.

15 (iv) ~~cachexia or wasting syndrome~~; Cachexia or wasting syndrome.

16 (v) ~~seizure disorders~~; Seizure disorders.

17 (vi) ~~epilepsy~~; Epilepsy.

18 (vii) ~~spasticity~~; Spasticity.

19 (viii) ~~Crohn's disease~~; Crohn's disease.

20 (ix) ~~muscular dystrophy~~, or Muscular dystrophy.

21 (x) ~~multiple sclerosis~~; Multiple sclerosis.

22 (xi) Any of the following conditions associated with autism spectrum
 23 disorder:

24 (aa) Repetitive or self-stimulatory behavior of such severity that the physical
 25 health of the person with autism is jeopardized.

26 (bb) Avoidance of others or inability to communicate of such severity that
 27 the physical health of the person with autism is jeopardized.

28 (cc) Self-injuring behavior.

29 (dd) Physically aggressive or destructive behavior.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (b) No physician shall prescribe medical marijuana for treatment of any
 2 condition associated with autism spectrum disorder for a patient who is under the age
 3 of eighteen unless the physician complies with the provisions of this Section and
 4 consults with a pediatric subspecialist.

5 ~~(b)~~(c) If the United States Food and Drug Administration approves the use
 6 of medical marijuana in the same form provided for in this Part for any debilitating
 7 medical condition specifically identified in this Paragraph, that medical condition
 8 shall no longer be covered by the provisions of this Part.

9 ~~(c)~~(d) If the United States Food and Drug Administration approves the use
 10 of medical marijuana in a form or derivative different than provided for in this Part
 11 for any debilitating medical condition specifically identified in this Paragraph, the
 12 disease state shall remain covered by the provisions of this Part. The patient shall
 13 first be treated by the approved form or derivative of medical marijuana through
 14 utilization of step therapy or fail first protocols. If, after use of the United States
 15 Food and Drug Administration approved form or derivative of medical marijuana,
 16 the physician determines that the preferred treatment required under step therapy or
 17 fail first protocol has been ineffective in the treatment of the patient's debilitating
 18 medical condition, he may prescribe the form of medical marijuana provided for in
 19 this Part for use by the patient as medically necessary.

20 * * *

21 H.

22 * * *

23 (2)

24 * * *

25 (c) The Louisiana State University Agricultural Center or the Southern
 26 University Agricultural Center may conduct research on marijuana for therapeutic
 27 use if the center is licensed as a production facility pursuant to this Section. Effective
 28 January 1, 2020, and annually thereafter, the Louisiana State University Agricultural
 29 Center and the Southern University Agricultural Center shall submit a report to the

1 Senate and House committees on health and welfare, to include data and outcomes
2 of the research conducted pursuant to this Paragraph.

3 * * *

4 Section 3. This Section and Section 1 of this Act shall become effective upon
5 signature by the governor or, if not signed by the governor, upon expiration of the time for
6 bills to become law without signature by the governor, as provided by Article III, Section
7 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
8 by the legislature, this Section and Section 1 of this Act shall become effective on the day
9 following such approval.

10 Section 4. This Section and Section 2 of this Act shall become effective and
11 operative if and upon the date when the United States Drug Enforcement Administration
12 reclassifies marijuana from a Schedule I drug to a Schedule II drug under the authority of
13 the Controlled Substances Act, 21 U.S.C. 801 et seq.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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