

2021 Regular Session

HOUSE BILL NO. 391

BY REPRESENTATIVES MAGEE, BRYANT, GARY CARTER, WILFORD CARTER, COX, DUPLESSIS, FREEMAN, GREEN, HUGHES, JAMES, TRAVIS JOHNSON, LANDRY, LARVADAIN, LYONS, MARCELLE, MARINO, NELSON, NEWELL, PIERRE, SELDERS, AND WILLARD AND SENATORS ALLAIN AND FESI

1 AN ACT

2 To amend and reenact R.S. 40:1046(A)(1) and (C)(2)(e) and to enact R.S. 40:1046(A)(5)  
3 and (C)(2)(l), relative to recommendation by physicians of marijuana for therapeutic  
4 use, known also as medical marijuana; to provide for forms of medical marijuana  
5 which a physician may recommend; to establish limitations on dispensing of certain  
6 forms of medical marijuana; to provide for rules and regulations of the Louisiana  
7 Board of Pharmacy relative to medical marijuana; to provide for an effective date;  
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1046(A)(1) and (C)(2)(e) are hereby amended and reenacted and  
11 R.S. 40:1046(A)(5) and (C)(2)(l) are hereby enacted to read as follows:

12 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and  
13 regulations of the Louisiana State Board of Medical Examiners and  
14 Louisiana Board of Pharmacy; production facility licensing by the  
15 Department of Agriculture and Forestry

16 A.(1) Notwithstanding any other provision of this Part, any physician  
17 licensed by and in good standing with the Louisiana State Board of Medical  
18 Examiners to practice medicine in this state may recommend, in any form as  
19 permitted by the rules and regulations of the Louisiana Board of Pharmacy, ~~except~~  
20 ~~for inhalation, and~~ raw or crude marijuana, tetrahydrocannabinols, or a chemical

1 derivative of tetrahydrocannabinols for therapeutic use by any patient clinically  
 2 diagnosed as suffering from a debilitating medical condition. Nothing in this  
 3 Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from  
 4 permitting, by rule, medical marijuana in a form to be administered by metered-dose  
 5 inhaler. For purposes of this Section, "metered-dose inhaler" means a device that  
 6 delivers a specific amount of medication to the lungs, in the form of a short burst of  
 7 medicine that is usually self-administered by the patient via inhalation.

8 \* \* \*

9 (5)(a) No pharmacy authorized to dispense marijuana for therapeutic use in  
 10 accordance with the provisions of this Section shall dispense more than two and one-  
 11 half ounces, or seventy-one grams, of raw or crude marijuana every fourteen days  
 12 to any individual patient.

13 (b) No pharmacy authorized to dispense marijuana for therapeutic use in  
 14 accordance with the provisions of this Section shall dispense raw or crude marijuana  
 15 to any person under twenty-one years of age without a recommendation from a  
 16 physician specifically recommending marijuana in raw or crude form for that person.

17 \* \* \*

18 C.

19 \* \* \*

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

21 \* \* \*

22 (e) The establishment of standards, procedures, and protocols to ensure that  
 23 all recommended therapeutic marijuana dispensed, except for raw or crude  
 24 marijuana, is consistently pharmaceutical grade.

25 \* \* \*

26 (l) The limitations on dispensing of raw or crude marijuana as provided in  
 27 Paragraph (A)(5) of this Section.

28 \* \* \*

1           Section 2. This Act shall become effective on January 1, 2022.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_