

Medical Marijuana Commission

Minutes of Meeting
2022-2023 Interim
September 23, 2022

I. CALL TO ORDER

Representative Joseph Marino, chairman of the Medical Marijuana Commission, called the meeting to order at 10:01 a.m. in Room 3, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Joseph A. Marino, III
Representative C. Travis Johnson
Representative Jack G. McFarland
Representative Scott McKnight
Representative Troy D. Romero

MEMBERS ABSENT:

Representative Thomas A. Pressly
Representative Debbie Villio

STAFF MEMBERS PRESENT:

Nicholas Cole, attorney
Brandy Phillips, committee administrative assistant
Debra Carter, executive assistant

ADDITIONAL ATTENDEES PRESENT:

Faye Talbot, sergeant at arms

III. DISCUSSION

Representative Joseph Marino addressed the committee and introduced Dr. Vincent Culotta, executive director with the Louisiana State Board of Medical Examiners, to speak on the changes in the law regarding Act 491, which provides relative to physicians recommending medical marijuana through telemedicine.

Discussion regarding changes to the law pursuant to Act 491 of the 2022 Regular Session

Dr. Vincent Culotta, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6816, spoke for information only on Act 491 and stated that per a change in Louisiana legislation marijuana is regulated in the state as a Schedule 2 drug for recommendation purposes, which would require patients to attend an initial in-person visit with the physician to establish a patient-doctor relationship. Dr. Culotta also stated that the Louisiana State Board of Medical Examiners can change their rules regarding this if needed.

Chairman Marino stated that marijuana is regulated as a Schedule 1 drug in Louisiana and no changes to the rules are required. He added that, pursuant to Act 491, telemedicine is allowed without the need of an initial in-person visit.

Dr. Culotta responded that, according to the FDA, telemedicine visits require an establishment of a patient-doctor relationship for scheduled narcotic drugs and that his agency follows the rules of the FDA.

Representative Travis Johnson asked about telemedicine being done during the COVID-19 pandemic without the requirement of an in-person visit.

Dr. Culotta explained that because COVID-19 was an emergency declaration, federal rules were waived and since the emergency declaration has ended, the original rules were put back into effect.

Representative Travis Johnson stated that it is difficult for some patients who live in rural communities to commute to their doctors, and the goal of telemedicine visits is to attempt to fix that issue so that patients have better access to medicine.

Chairman Marino stated that the commission will follow up once it is determined in which part of legislation medical marijuana is considered a Schedule 2 drug.

Dr. Karen Lyon, Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, LA 70810, (225) 755-7576, spoke for information only. She addressed the committee regarding Act 444 which created the term "authorized clinician" in addition to physicians already authorized to recommend medical marijuana, including nurse practitioners. Dr. Lyon expressed that she felt registered nurses should be given authority to recommend also. Dr. Lyon stated that the conditions that medical marijuana can be recommended for are all chronic in nature, and it contradicts their rules in conjunction with the Louisiana State Board of Medical Examiners which does not allow controlled substances to be utilized in connection with the treatment of chronic or intractable pain.

Representative McFarland asked Dr. Lyon if she was involved in the creation of the legislation, given it mentioned nurse practitioners in particular. Dr. Lyon responded that she was not involved in the legislative process.

Representative McFarland stated that it is discouraging to the members when they are questioned by the boards about legislation that has already been passed. He added that in the future, if legislation concerns certain boards, that those board members play an active role in the creation of the legislation so that similar issues do not arise.

Dr. Lyon agreed that she will take part in future legislation as it pertains to her board. She concluded that the Louisiana State Board of Nursing is working on creating a form that would give nurse practitioners prescriptive authority to recommend controlled substances in conjunction with the Louisiana Board of Pharmacy.

Ms. Carrie Jones, Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, LA 70810, (225) 755-7575, spoke for information only. She stated that the Louisiana State Board of Nursing has been in collaboration with the Louisiana Board of Pharmacy in reconfiguring their website to indicate which medications nurse practitioners are able to prescribe and recommend.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

To receive updates from the Louisiana Department of Health relative to the transition of the program pursuant to Act 491 of the 2022 Regular Session

Mr. Justin Gremillion, Louisiana Department of Health, office of the secretary, 628 North Fourth Street, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only and presented a PowerPoint entitled "LDH Medical Marijuana Update" and provided a handout, Exhibit A, which is included in the committee records.

Witness cards submitted by individuals who did not speak are as follows: 2 for information only. Witness cards are included in the committee records.

To receive updates from the Louisiana Department of Agriculture and Forestry relative to the testing of products

Commissioner Mike Strain, Louisiana Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806, (225) 522-1233, addressed the committee and gave an update relative to the testing of products. He stated that they have created new testing procedures that include test products being delivered to the lab by the producers on a schedule and final samples being tested for an entire battery of tests, which has increased testing.

Representative Marino asked Commissioner Strain about his understanding on how his laboratory and the private laboratory being constructed will operate simultaneously.

Commissioner Strain responded that the law states that his laboratory shall continue to operate until there are two laboratories in operation for six months and the additional laboratories need to be accredited within nine months.

Representative Romero asked Commissioner Strain whether or not their department will be phased out when the private laboratories are in business.

Commissioner Strain stated that he does not anticipate his department phasing out within the next two years. He explained that if the new laboratories do not meet the accreditation requirements in time, his department will be available to make sure the products are tested to keep patients safe. He also stated that regarding pesticide limits, only non-restricted use pesticides should be used because using restricted-use pesticides would be a violation of federal law.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

To receive updates from the Louisiana Board of Pharmacy relative to license expansion pursuant to Act 491 of the 2022 Regular Session

Mr. Joe Fontenot, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809, (225) 925-6481, spoke for information only regarding the applications for the tenth license and for a satellite location for therapeutic marijuana pharmacies. Mr. Fontenot stated that the tenth license will be awarded to region one and the decision will be made during the next board meeting.

Representative Marino asked Mr. Fontenot to give more information on the home delivery process for medical marijuana. Mr. Fontenot explained that the law imposes a mandatory delivery of medical marijuana to each zip code within the region at least once a month, and their regulations are being rewritten to add this information into that chapter. He also gave the estimates on how many active, qualified patients are in each region.

IV. PUBLIC TESTIMONY

Mr. Tony Landry, Veterans Action Council, 213 Case Lane, Lafayette, LA 70506, (337) 412-2836, addressed the committee and stated he works internationally with veterans and the UN to recognize cannabis as a medical plant. Mr. Landry sent a letter to the Department of Health to address the goals of the Veterans Action Council. He reported the goals include filing an exemption from the Federal Controlled Substance Act; developing a cannabis research education training program for Louisiana's schools of medicine and nursing schools; developing a cannabis nursing administration to oversee cannabis use policy at all state of Louisiana managed facilities, including hospitals, extended living infirmaries, schools and campuses; developing a cannabis hospice program for cannabis hospice nurses to administer and establishing a cannabis use training program for public service announcements about the endocannabinoid system. Mr. Landry also suggested removing the

term "marijuana" from all department literature and replacing it with the term "cannabis"; creating a citizen-government industry testing advisory board to develop safe testing and labeling practices; creating a cannabis patient advocate committee to act as a liaison for complaints from patients; protecting public health by developing rules for patients reporting contaminated products; developing rules to refund the cost of contaminated cannabis products; developing a whistle blower protection program for cannabis industry employees when reporting industry safety violations; developing unannounced inspections of cannabis industry facilities and secret shopper programs to check dispensaries in diversion of untested products; creating a contraindication form for people who have a negative reaction to cannabis; establishing a veteran patient representative as a paid rotating physician that is funded by the state of Louisiana who can offer suggestions to the program that will help combat veteran suicide; and creating longer pharmacy hours.

Mr. Kevin Caldwell, Marijuana Policy Project, 2310 Champlain Street NW, Suite 2B, Washington, DC 20009, (504) 914-1406, addressed the committee and suggested that, considering Louisiana has the most expensive cannabis in the United States based on his research, the commission recommend not adding sales taxes on cannabis. Mr. Caldwell also stated that a larger selection of cannabis strains along with a certificate of analysis should become available for patients, and he proposed several protections for patients to be established.

Matthew Moreau, Louisiana Therapeutics, 3610 Highway 19, Zachary, LA 70791, (225) 202-3319, spoke for information only.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 3 for information only. Copies of these statements are included in the committee records.

V. OTHER BUSINESS

There was no other business.

VI. ANNOUNCEMENTS

There were no announcements.

VII. ADJOURNMENT

Representative Travis Johnson offered a motion to adjourn. Without objection, the motion passed by a vote of 5 yeas and 0 nays. Representatives Marino, Travis Johnson, McFarland, McKnight, and Romero voted yea.

The meeting was adjourned at 11:56 a.m.

Respectfully submitted,

Chairman Joseph Marino
House Medical Marijuana Commission

Date adopted:

The committee has acknowledged on _____, that these minutes were prepared in accordance with the rules of the House of Representatives.