

and information as the office may request in carrying out the intentions and purposes of this Chapter.

§667. Ozarks Regional Commission; recognition and continuation

The Ozarks regional Commission, created by Executive Order No. 7 of 1972, is hereby recognized and the state's membership is continued and the duties, staff and facilities and programs are transferred to the Governor's Office of Federal Affairs and Special Projects. The staff shall serve as liaison for the governor with the federal cochairman, other member states, and the eight economic development districts of Louisiana. All state agencies are hereby empowered, authorized, and directed to provide reasonable assistance and information as may be required to meet the state's obligations under the Public Works Act of 1965, as amended.

Section 2. Executive Order No. 32 of 1973 and Executive Order No. 60 of 1974 are hereby repealed and superceded by the provisions of this Act.

Section 3. This Act shall become effective October 1, 1978.

Section 4. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 13, 1978.

Published in the Official Journal of the State: August 14, 1978.

A true copy:

PAUL J. HARDY
Secretary of State.

ACT No. 725

Senate Bill No. 245.

By: Mr. Guarisco.

AN ACT

To amend Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950 by adding thereto a new Part to be designated as Part X-A thereof, to consist of R.S. 40:1021 through R.S. 40:1026, to amend and reenact Subschedule C of Schedule I of Section 964 of said Title 40, and to amend Subschedule A of Schedule II of said Section 964 by adding thereto a new Paragraph, to be designated

as Paragraph (5) thereof, to repeal Subsection D of Section 966 of the said Title 40, and to amend Section 967 of the said Title 40 by adding thereto a new subsection to be designated as Subsection D thereof, all relative to the prescription of marijuana for use as a therapeutic drug; to create the Marijuana Prescription Review Board; to require the board to certify patients, practitioners, and pharmacies as eligible to participate in the therapeutic use of marijuana; to provide for acquisition of marijuana for use as a prescribed drug; to provide for cooperation with federal drug authorities; to provide for the administration of the Act by the secretary of the Department of Health and Human Resources; to provide that the criminal penalties for the sale, use, or possession of marijuana shall not apply to the sale, use, or possession of marijuana in accordance with the provisions of this Act; to provide that marijuana, tetrahydrocannabinols, and chemical derivatives of tetrahydrocannabinols which are prescribed as a therapeutic drug shall be included in Schedule II and deleted from Schedule I of the schedules of drugs covered by the provisions of the Louisiana Uniform Controlled Dangerous Substance Law; to delete the penalties regarding marijuana under Schedule I and add the same penalties regarding marijuana under Schedule II, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part X-A of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1021 through R.S. 40:1026, is hereby enacted to read as follows:

PART X-A THERAPEUTIC USE OF MARIJUANA

§1021. Definitions

As used in this Part, the following terms shall have the meanings hereafter ascribed to each.

- (1) "Board" means the Marijuana Prescription Review Board.
- (2) "Department" means the Department of Health and Human Resources.
- (3) "Marijuana" means marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinol.
- (4) "Practitioner" means a physician licensed to prescribe and administer drugs which are subject to the provisions of the Louisiana Controlled Dangerous Substance Law.
- (5) "Secretary" means the secretary of the Department of Health and Human Resources.

§1022. Prescriptions

A. Within the terms and conditions set forth in this Chapter, it shall be lawful to prescribe marijuana as a therapeutic drug and to buy, sell, or possess marijuana so prescribed.

B. Prescription of marijuana shall be subject to the provisions of R.S. 40:978.

§1023. Administration

The secretary shall administer the provisions of this Part and shall promulgate such rules and regulations as are necessary to implement the provisions of this Part. In the promulgation of such rules and regulations, the department shall take into consideration the pertinent rules and regulations promulgated by the Drug Enforcement Agency, the Food and Drug Administration, and the National Institute on Drug Abuse.

§1024. Marijuana Prescription Review Board

A. There is hereby created within the department the Marijuana Prescription Review Board. The board shall be composed of five members, who shall be appointed by the secretary and shall serve at his pleasure. One member shall be a physician licensed to practice medicine in Louisiana and certified by the American Board of Ophthalmology; one member shall be a physician licensed to practice medicine in Louisiana and certified by the American Board of Internal Medicine and also certified in the subspecialty of medical oncology, and one member shall be a physician licensed to practice medicine in Louisiana and certified by the American Board of Psychiatry. One member shall be a physician licensed to practice medicine in Louisiana and certified in the specialty of pediatrics. One member shall be a pharmacist licensed by the Louisiana Board of Pharmacists. The board shall meet upon call of the secretary. The members shall receive a per diem of forty dollars for actual attendance at meetings of the board, which shall be paid by the department, and the department also shall reimburse the members for their actual expenses incurred in attending meetings of the board.

B. The board shall certify the practitioners who shall be licensed to prescribe marijuana, the patients who shall be authorized to use marijuana for therapeutic purposes, and the pharmacies which shall be licensed to dispense marijuana, provided however, only state owned pharmacies may be licensed to dispense marijuana.

C. The authorized buying, selling or possession of marijuana for therapeutic* use pursuant to this Part by persons certified herein shall not constitute a criminal violation.

*As it appears in the enrolled bill.

D. The certification of patients who are eligible to receive prescribed marijuana shall be limited to:

(1) patients who present to the board a written statement signed by a practitioner and verifying that the patient is a cancer chemotherapy patient or a glaucoma patient who is involved in a life threatening or sense threatening situation who is not responding to conventional controlled substances or is such a cancer chemotherapy patient or glaucoma patient for whom the conventional controlled substances administered have proven to be effective but have produced severe side effects.

§1025. Distribution

A. The secretary shall contract with the National Institute on Drug Abuse for the receipt of marijuana pursuant to regulations promulgated by the National Institute on Drug Abuse, the Food and Drug Administration, and the Drug Enforcement Agency.

B. The secretary shall administer and oversee the transfer of marijuana received from the National Institute on Drug Abuse to state owned pharmacies for distribution to certified patients upon written prescriptions issued by certified practitioners.

§1026. Report

Not later than thirty days prior to the convening of each regular session of the legislature, the secretary shall transmit to the legislature a report on the use of marijuana as a therapeutic drug. The report shall include, but shall not be limited to:

(1) the quantity of marijuana received from the National Institute on Drug Abuse;

(2) the quantity of marijuana transferred to designated state owned pharmacies;

(3) the quantity of marijuana prescribed to patients;

(4) the number of patients, practitioners, and pharmacies certified under the provisions of this Part, including the number of patients suffering from each type of disease for which marijuana is prescribed; and

(5) the recommendations and comments of the secretary on the administration of the provisions of this Part.

Section 2. Subschedule C of Schedule I of Section 964 of Title 40 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted to read as follows:

§964. Composition of schedules

Schedules I, II, III, IV and V shall, unless and until added to

pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

* * *

C. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, for purposes of this Paragraph only, the term "isomer" includes the optical, position, and geometric isomers:

- (1) 3, 4-methylenedioxy amphetamine
- (2) 5-methoxy-3, 4-methylenedioxy amphetamine
- (3) 3, 4, 5-trimethoxy amphetamine
- (4) Bufotenine
- (5) Diethyltryptamine
- (6) Dimethyltryptamine
- (7) 4-methyl-2, 5-dimethoxyamphetamine
- (8) Ibogaine
- (9) Lysergic acid diethylamide
- (10) Mescaline
- (11) Peyote
- (12) N-ethyl-3-piperidyl benzilate
- (13) N-methyl-3-piperidyl benzilate
- (14) Psilocybin
- (15) Psilocyn
- (16) 2, 5-dimethoxyamphetamine
- (17) 4-bromo-2, 5-dimethoxyamphetamine
- (18) 4-methoxyamphetamine
- (19) 1-[1-(2-THIENYL) CYCLOHEXYL] PIPERDINE
- (20) Cyclohexamine

* * *

Section 3. Paragraph (5) of Subschedule A of Schedule II of Section 964 of Title 40 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

§964. Composition of schedules

Schedules I, II, III, IV and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

* * *

SCHEDULE II

A. Substances of vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

* * *

(5) Marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols.

* * *

Section 4. Subsection D of Section 966 of Title 40 of the Louisiana Revised Statutes of 1950 is hereby repealed.

Section 5. Subsection D of Section 967 of Title 40 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

§967. Prohibited acts—Schedule II; penalties

* * *

D. Possession of marijuana. (1) On a first conviction for violation of Subsection C of this section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof the offender shall be fined not more than five hundred dollars and/or imprisoned in the parish jail for not more than six months.

(2) On a second conviction for violation of Subsection C of this section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof the offender shall be fined not more than two thousand dollars and/or imprisoned with or without hard labor for not more than five years.

(3) On a third or subsequent conviction for violation of Subsection C of this section with regard to marijuana, tetrahydrocannabinol or

chemical derivatives thereof the offender shall be sentenced to imprisonment with or without hard labor for not more than twenty years.

Section 6. This Act shall become effective upon signature by the governor, or, if not signed by the governor, upon time for all bills to become law as provided by Article III, Section 18 of the Constitution.

*Section 6. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

*Section 7. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: July 17, 1978.

Published in the Official Journal of the State: August 14, 1978.

A true copy:

PAUL J. HARDY
Secretary of State.

ACT No. 726

Senate Bill No. 488.

By: Mr. Rayburn.

AN ACT

To amend and reenact Section 6151.1 of Title 33 of the Louisiana Revised Statutes of 1950, relative to the Parochial Employees' Retirement System of Louisiana, to provide with respect to the receipt of military service credit, and to provide with respect to matters related thereto.

Notice of intention to introduce this Act has been published as required by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 6151.1 of Title 33 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§6151.1. Military service

Anything in this Chapter to the contrary notwithstanding, any person who has been an employee, as defined in R.S. 33:6101(2) and who has been a member of the system for at least two years any time

*As it appears in the enrolled bill.