

Victor H Chou, M.D.

Medical Marijuana in Louisiana

March 30, 2019

Biography

- ❖ Victor H Chou, M.D.
- ❖ First Medical Marijuana clinic in Louisiana
- ❖ Has consulted with hundreds of patients
- ❖ Testified at the Louisiana State Board of Medical Examiners
- ❖ Interviewed by over a dozen media outlets

Disclosures

- ❖ Every Day Optimal CBD
 - ❖ Marketing Agreement

Contents

- ❖ Legal Framework
- ❖ TMR Permit
- ❖ Recommendation Procedure
- ❖ Product Information
- ❖ Miscellaneous Topics

Legal Framework

- ❖ Alison Neustrom Act passed in 2015
 - ❖ Subsequent revisions in 2016 and 2018
 - ❖ The basis for the Louisiana Medical Marijuana program

Legal Framework

- ❖ Federal law is very clear on medical marijuana
 - ❖ IT IS ILLEGAL
 - ❖ It is a Schedule 1 Controlled Substance
 - ❖ No currently accepted medical use and a high potential for abuse

Legal Framework

- ❖ There are 3 main providers of medical marijuana services in Louisiana
 - ❖ Dispensaries
 - ❖ Producers
 - ❖ Physicians
- ❖ A physician cannot both Recommend and be involved with dispensing or producing

Legal Framework

- ❖ Dispensaries
 - ❖ Only 9 dispensaries are allowed in the entire state.
 - ❖ Each metropolitan area will have one dispensary
 - ❖ Houma, New Orleans, Madisonville, Baton Rouge, Lafayette, Lake Charles, Alexandria, Shreveport, Monroe
 - ❖ Supervising authority - Louisiana Board of Pharmacy

Legal Framework

- ❖ Producers
 - ❖ Only two entities are allowed to produce the medical marijuana
 - ❖ Louisiana State University
 - ❖ Subcontractor - GB Sciences
 - ❖ Southern University
 - ❖ Subcontractor - Advanced Biomedics
 - ❖ Supervising authority - Louisiana Department of Agriculture and Forestry

TMR Permit

- ❖ Therapeutic Marijuana Registration (TMR) Permit
 - ❖ Required for any physician to recommend medical marijuana
 - ❖ Not required for FDA approved medications
 - ❖ dronabinol (Marinol)
 - ❖ cannabidiol (Epidiolex)

TMR Permit

- ❖ Physicians

- ❖ No limit on the number of physicians who can provide medical marijuana recommendations
- ❖ Any physician with an unrestricted medical license is eligible for a Therapeutic Marijuana Permit (TMR) from the LSBME unless
 - ❖ you are the subject of a current board investigation
 - ❖ you have been disciplined within the past 10 years for issues relating to personal use of controlled substances
 - ❖ you have participated in illegal activities involving controlled substances

TMR Permit

- ❖ Application Procedure
 - ❖ Submit the TMR application to LSBME
 - ❖ Obtain a background check from the Louisiana State Police
 - ❖ Complete a board approved online course
 - ❖ Pay a \$75 application fee
 - ❖ Obtain Schedule 1 authority on your CDS license from the Board of Pharmacy

Recommendation Procedure

- ❖ The actual process is quite simple
 - ❖ Patient comes to a TMR permitted doctor and receives a recommendation
 - ❖ Patient goes to licensed dispensary to pick up their medical marijuana
- ❖ Unlike other states, there is no identification card or state registration

Recommendation Procedure

- ❖ Patient Qualifications
 - ❖ Has to be a Louisiana resident
 - ❖ Must have a qualifying medical condition
 - ❖ Cannot have any disqualifying attributes

Recommendation Procedure

- ❖ Qualifying Medical Conditions (2015)
 - ❖ Seizures/Epilepsy
 - ❖ HIV/AIDS
 - ❖ Multiple Sclerosis
 - ❖ Crohn's Disease
 - ❖ Muscular Dystrophy/Spasticity
 - ❖ Cancer
 - ❖ Cachexia/Wasting Syndrome

Recommendation Procedure

- ❖ Qualifying Medical Conditions (2018)
 - ❖ Glaucoma
 - ❖ Severe muscle spasms
 - ❖ Parkinson's
 - ❖ Chronic (intractable) pain
 - ❖ PTSD

Recommendation Procedure

- ❖ Qualifying Medical Conditions (2018)
 - ❖ Autism
 - ❖ Patient must exhibit behavior that affects the physical health of the patient or public

Recommendation Procedure

- ❖ Disqualifying Attributes
 - ❖ Evidence of controlled substance abuse, diversion, or addiction
 - ❖ Patient has not attempted, considered, completed, or declined conventional therapy

Recommendation Procedure

- ❖ Recommendation Form
 - ❖ Patient - Name, Address, Date of Birth
 - ❖ Physician - Name, Address, Telephone Number, Email, TMR Number, CDS Number
 - ❖ Dispensary - Date, Name, Address
 - ❖ Product - Form, Amount, Dosage, Instructions
- ❖ Recommendations cannot exceed a 30 day supply and no refills can be provided

Product Information

- ❖ Tincture available in 30cc bottles
- ❖ Each bottle will have 100mg of full spectrum cannabinoids
 - ❖ THC (Sativa, Indica)
 - ❖ CBD
 - ❖ 50: 50 Combinations
- ❖ Anticipated release date - Spring 2019
- ❖ Whole sale price - \$40 (retail price likely double)

Product Information

- ❖ Allowable forms of medical marijuana
 - ❖ Tincture
 - ❖ Edible
 - ❖ Capsule
 - ❖ Topical
 - ❖ Suppository
- ❖ Cannot use any inhaled, smokable, or raw forms of marijuana

Miscellaneous Topics

- ❖ Continuing Medical Education
- ❖ Cannabidiol (CBD) from Hemp
- ❖ Legal Exposure

Miscellaneous Topics

- ❖ Continuing Medical Education
 - ❖ Review the LSBME TMR Guidelines
 - ❖ Online References
 - ❖ Society of Cannabis Clinicians, Project CBD, Healer
 - ❖ In Person Conferences
 - ❖ MJ for MDs, CannMed, Florida Medical Cannabis Conference and Exhibition

Miscellaneous Topics

- ❖ Cannabidiol (CBD)
 - ❖ CBD is present in both marijuana and industrial hemp
 - ❖ CBD that is purchased in a retail outlet or online without a recommendation is produced from industrial hemp
 - ❖ Contains <0.3% THC

Miscellaneous Topics

- ❖ Cannabidiol (CBD)
 - ❖ There is a lot of debate regarding whether CBD is legal federally or in Louisiana
 - ❖ There appear to be conflicting federal laws and administrative rulings
 - ❖ The Board of Pharmacy has ruled that its licensees CANNOT sell CBD unless participating in the Louisiana medical marijuana program
 - ❖ 2018 Farm Bill - passed Congress

Miscellaneous Topics

- ❖ Legal Exposure
 - ❖ You are protected from local prosecution for lawfully participating in the medical marijuana program
 - ❖ However, you are still violating federal law
 - ❖ Sanctions could include criminal and civil penalties, including loss of Medicare eligibility, DEA license, incarceration, and fines
 - ❖ There is also medical malpractice risk

Questions

❖ Questions

Thank You

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