HLS 18RS-1182 ORIGINAL

2018 Regular Session

1

HOUSE BILL NO. 826

BY REPRESENTATIVE HUNTER

PHARMACISTS: Requires that a minimum proportion of the state's marijuana pharmacy licenses be granted to minority-owned businesses

AN ACT

2	To amend and reenact R.S. 40:1046(G) and R.S. 40:1046(G) as amended and reenacted by
3	Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana,
4	relative to specialty pharmacy licenses for dispensing of medical marijuana; to
5	provide for duties of the Louisiana Board of Pharmacy in granting such licenses; to
6	provide relative to the number of such licenses authorized; to require that a minimum
7	proportion of such licenses be granted to minority business enterprises; and to
8	provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 40:1046(G) is hereby amended and reenacted to read as follows:
11	§1046. Recommendation of marijuana for therapeutic use; rules and regulations;
12	Louisiana Board of Pharmacy and the adoption of rules and regulations
13	relating to the dispensing of recommended marijuana for therapeutic use; the
14	Department of Agriculture and Forestry and the licensure of a production
15	facility
16	* * *
17	G.(1) The Louisiana Board of Pharmacy shall develop an annual,
18	nontransferable specialty license for a pharmacy to dispense recommended
19	marijuana for therapeutic use and, except as provided in Paragraph (3) of this
20	Subsection, shall limit the number of such licenses granted in the state to no more

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1	than ten licensees. The Louisiana Board of Pharmacy board shall develop rules and
2	regulations regarding the geographical locations of dispensing pharmacies in
3	Louisiana.
4	(2) The Louisiana Board of Pharmacy shall ensure that no fewer than four
5	of the licenses issued in accordance with this Subsection are granted to minority-
6	owned businesses that would qualify for designation as minority business enterprises
7	in accordance with R.S. 39:1951 et seq.
8	(3) If upon the effective date of Paragraph (2) of this Subsection a sufficient
9	number of marijuana pharmacy licenses have been granted so as to preclude the
10	issuance of the minimum number of licenses required by that Paragraph, then the
11	Louisiana Board of Pharmacy shall issue additional licenses above the numerical
12	limit provided in Paragraph (1) of this Subsection in a number sufficient to ensure
13	that at least forty percent of all such licences are granted to minority-owned
14	businesses that would qualify for designation as minority business enterprises in
15	accordance with R.S. 39:1951 et seq.
16	* * *
17	Section 2. R.S. 40:1046(G) as amended and reenacted by Section 2 of Act No. 96
18	of the 2016 Regular Session of the Legislature of Louisiana is hereby amended and
19	reenacted to read as follows:
20	Section 2. R.S. 40:1046 is hereby amended and reenacted to read as follows:
21	§1046. Prescription of marijuana for therapeutic use; rules and regulations;
22	Louisiana Board of Pharmacy and the adoption of rules and
23	regulations relating to the dispensing of prescribed marijuana for
24	therapeutic use; the Department of Agriculture and Forestry and the
25	licensure of a production facility
26	* * *
27	HG.(1) The Louisiana Board of Pharmacy shall develop an annual,
28	nontransferable specialty license for a pharmacy to dispense prescribed
29	marijuana for therapeutic use and, except as provided in Paragraph (3) of

1	this Subsection, shall limit the number of such licenses granted in the state
2	to no more than ten licensees. The Louisiana Board of Pharmacy board shall
3	develop rules and regulations regarding the geographical locations of
4	dispensing pharmacies in Louisiana.
5	(2) The Louisiana Board of Pharmacy shall ensure that no fewer
6	than four of the licenses issued in accordance with this Subsection are
7	granted to minority-owned businesses that would qualify for designation
8	as minority business enterprises in accordance with R.S. 39:1951 et seq.
9	(3) If upon the effective date of Paragraph (2) of this Subsection
10	a sufficient number of marijuana pharmacy licenses have been granted
11	so as to preclude the issuance of the minimum number of licenses
12	required by that Paragraph, then the Louisiana Board of Pharmacy
13	shall issue additional licenses above the numerical limit provided in
14	Paragraph (1) of this Subsection in a number sufficient to ensure that at
15	least forty percent of all such licences are granted to minority-owned
16	businesses that would qualify for designation as minority business
17	enterprises in accordance with R.S. 39:1951 et seq.
18	* * *
19	Section 3. This Act shall become effective upon signature by the governor or, if not
20	signed by the governor, upon expiration of the time for bills to become law without signature
21	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22	vetoed by the governor and subsequently approved by the legislature, this Act shall become
23	effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 826 Original

2018 Regular Session

Hunter

Abstract: Requires that a minimum of 40% of the state's marijuana pharmacy licenses be granted to minority-owned businesses.

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Recommendation of Medical Marijuana

<u>Present law</u> authorizes physicians in La. to <u>recommend</u> tetrahydrocannabinols (commonly referred to as "medical marijuana"), or chemical derivatives thereof, for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition as defined in present law. Proposed law retains present law.

<u>Present law</u> requires the La. Board of Pharmacy to develop an annual, nontransferable specialty license for a pharmacy to dispense recommended marijuana for therapeutic use, and provides that the number of such licenses granted in the state shall be limited to no more than ten licensees.

<u>Proposed law</u> retains <u>present law</u> and requires the La. Board of Pharmacy to ensure that no fewer than four such licenses are granted to minority-owned businesses that would qualify for designation as minority business enterprises in accordance with <u>present law</u>.

<u>Proposed law</u> stipulates that upon its effective date, if a sufficient number of marijuana dispensing pharmacy licenses have already been granted so as to preclude the issuance of the minimum of four licenses required by <u>proposed law</u>, then the La. Board of Pharmacy shall issue additional licenses above the ten-license limit provided in <u>present law</u> in a number sufficient to ensure that at least 40% of all such licences are granted to minority-owned businesses.

Prescription of Medical Marijuana

<u>Present law</u> authorizes physicians in La. to <u>prescribe</u>, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition as defined in <u>present law</u> if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> requires the La. Board of Pharmacy to develop an annual, nontransferable specialty license for a pharmacy to dispense prescribed marijuana for therapeutic use, and provides that the number of such licenses granted in the state shall be limited to no more than ten licensees.

<u>Proposed law</u> retains <u>present law</u> and requires the La. Board of Pharmacy to ensure that no fewer than four such licenses are granted to minority-owned businesses that would qualify for designation as minority business enterprises in accordance with present law.

<u>Proposed law</u> stipulates that upon its effective date, if a sufficient number of marijuana dispensing pharmacy licenses have already been granted so as to preclude the issuance of the minimum of four licenses required by <u>proposed law</u>, then the La. Board of Pharmacy shall issue additional licenses above the ten-license limit provided in <u>present law</u> in a number sufficient to ensure that at least 40% of all such licences are granted to minority-owned businesses.

Effective Date

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1046(G) and R.S. 40:1046(G) as amended and reenacted by §2 of Act No. 96 of 2016 R.S.)