2022 Regular Session

HOUSE BILL NO. 768

BY REPRESENTATIVE MARINO

DRUGS/PRESCRIPTION: Provides for the licensure of therapeutic marijuana pharmacies

1	AN ACT	
2	To amend and reenact R.S. 40:1046(G), relative to licensure of therapeutic marijuana	
3	pharmacies; to increase the total number of licenses; to provide for administrative	
4	rules governing applicant participation based on residency; and to provide for related	
5	matters.	
6	Be it enacted by the Legislature of Louisiana:	
7	Section 1. R.S. 40:1046(G) is hereby amended and reenacted to read as follows:	
8	§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and	
9	regulations of the Louisiana State Board of Medical Examiners and	
10	Louisiana Board of Pharmacy; production facility licensing by the	
11	Department of Agriculture and Forestry	
12	* * *	
13	G.(1) The Louisiana Board of Pharmacy shall develop an annual,	
14	nontransferable specialty license for a pharmacy to dispense recommended	
15	marijuana for therapeutic use and shall limit the number of such licenses granted in	
16	the state to no more than ten twenty-five licensees. The Louisiana Board of	
17	Pharmacy shall develop rules and regulations regarding the geographical population	
18	distribution for locations of dispensing pharmacies in Louisiana.	
19	(2) The Louisiana Board of Pharmacy shall develop rules for issuing new	
20	licenses based on a minimum criterion of the following:	

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(a) Applicants who have resided within the state for at least five years prior		
2	to the date of application or applicants who have owned property on which the		
3	pharmacy will be located and have at least fifty-one percent ownership in the		
4	property for at least five years prior to the date of application for a license.		
5	(b) Prohibits a licensee from selling or transferring their license to another		
6	person that has not been a Louisiana resident for at least five years prior to the sale		
7	or transfer or to an entity that does not have an ownership group made up of at least		
8	fifty-one percent of Louisiana residents residing in the state at least five years prior		
9	to the sale or transfer.		
10	(c) Any licensee receiving a license issued after August 1, 2022 is prohibited		
11	from dispensing any marijuana product for therapeutic use prior to January 1, 2023.		
12	* * *		
13	Section 2. The Louisiana Board of Pharmacy is directed to begin accepting		
14	applications after sixty days from when this Act becomes effective.		

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)]

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HB 768 Original	2022 Regular Session

Marino

Abstract: Increases the total number of therapeutic marijuana pharmacy licenses the Louisiana Board of Pharmacy can issue and provides criteria for the selection of applicants receiving any new licenses.

<u>Present law</u> limits the number of therapeutic marijuana pharmacy licenses issued by the La. Bd. of Pharmacy to 10.

Proposed law increases the number of licenses provided in present law from 10 to 25.

<u>Proposed law</u> requires the La. Bd. of Pharmacy to develop rules for issuing new licenses based on a minimum criterion of the following:

- (1) Applicants who have resided within the state for at least five years prior to the date of application or applicants who have owned property on which the pharmacy will be located and have at least 51% ownership in the property for at least five years prior to the date of application for a license.
- (2) Prohibits a licensee from selling or transferring their license to another person that has not been a Louisiana resident for at least five years prior to the sale or transfer or to an entity that does not have an ownership group made up of at least 51% of La. residents residing in the state at least five years prior to the sale or transfer.

HLS 22RS-1046

(3) Any licensee receiving a license issued after Aug. 1, 2022 is prohibited from dispensing any marijuana product for therapeutic use prior to Jan. 1, 2023.

<u>Proposed law</u> directs the La. Bd. of Pharmacy to begin accepting applications for new licenses after 60 days from when <u>proposed law</u> becomes effective.

(Amends R.S. 40:1046(G))