

2023 Regular Session

HOUSE BILL NO. 467

BY REPRESENTATIVE MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAL MARIJUANA: Provides relative to marijuana pharmacies

1 AN ACT

2 To amend and reenact R.S. 40:1046(G)(1) and (6) and (H)(1)(b) and to repeal R.S.  
3 40:1046(G)(2) through (5) and (8), relative to medical marijuana pharmacies; to  
4 increase the maximum number of pharmacy licenses allowed; to repeal licensing  
5 procedures for satellite pharmacies; to increase the number of contractors that may  
6 be utilized by licensed producers; to repeal provisions relative to satellite  
7 pharmacies; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1046(G)(1) and (6) and (H)(1)(b) are hereby amended and  
10 reenacted to read as follows:

11 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and  
12 regulations of the Louisiana Board of Pharmacy; production facility  
13 licensing; permitting by the Louisiana Department of Health

14 \* \* \*

15 G.(1) The Louisiana Board of Pharmacy shall develop an annual,  
16 nontransferable specialty license for a pharmacy to dispense recommended  
17 marijuana for therapeutic use and, ~~except as provided in Paragraph (3) of this~~  
18 ~~Subsection~~, shall limit the number of licenses granted in the state to no more than ~~ten~~  
19 thirty licenses. The board shall award ~~one license per region as delineated in~~  
20 ~~Paragraph (2) of this Subsection and one additional license to the region with the~~

1 ~~highest population density as of August 1, 2022, and shall award~~ each license  
2 through a competitive process. The board shall consider the status of an applicant  
3 as a minority-, woman-, or veteran-owned business as a primary factor in awarding  
4 a license.

5 \* \* \*

6 (6)(a) No marijuana pharmacy shall locate within a ~~fifteen-mile~~ one-mile  
7 straight-line radius of another marijuana pharmacy.

8 (b) ~~Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~  
9 ~~in a region that encompasses any parish with a population of more than three~~  
10 ~~hundred fifty thousand persons according to the most recent federal decennial~~  
11 ~~census, no marijuana pharmacy shall locate within a ten-mile radius of another~~  
12 ~~marijuana pharmacy.~~

13 (c) ~~Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~  
14 ~~in a region that encompasses any municipality with a population of more than three~~  
15 ~~hundred fifty thousand persons according to the most recent federal decennial~~  
16 ~~census, no marijuana pharmacy shall locate within a five-mile radius of another~~  
17 ~~marijuana pharmacy.~~

18 \* \* \*

19 H.(1)

20 \* \* \*

21 (b) Each institution identified in Subparagraph (a) of this Paragraph;  
22 ~~respectively,~~ shall select and contract with only ~~one contractor~~ contractors authorized  
23 to produce therapeutic marijuana in accordance with this Part. The selection process  
24 and contracting provided for in this Subparagraph shall be done in accordance with  
25 all applicable provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq.  
26 Each contractor and the university with which it contracts shall execute an agreement  
27 for services.

28 \* \* \*

1 Section 2. R.S. 40:1046(G)(2) through (5) and (8) are hereby repealed in their  
2 entirety.

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## 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 467 Original

2023 Regular Session

Marino

**Abstract:** Revises laws establishing and providing for a regulatory system for medical marijuana pharmacies.

Present law limits the maximum number of licenses that may be issued by the Louisiana Board of Pharmacy for pharmacies to dispense therapeutic marijuana to 10.

Proposed law increases the maximum number of licenses to 30.

Present law provides for one pharmacy per administrative region utilized by the Louisiana Department of Health except that one license will be added to the region with the highest population density as of Aug. 1, 2022.

Proposed law repeals present law.

Present law provides for the procedure for a marijuana pharmacy licensee to establish a satellite once the active patient count recorded by the prescription monitoring program exceeds 3,500 active patients.

Proposed law repeals present law.

Present law provides that if a marijuana pharmacy licensee qualifies for, but declines to open a satellite location, the Louisiana Board of Pharmacy may issue one new license to establish a second marijuana pharmacy in the region.

Proposed law repeals present law.

Present law provides that no marijuana pharmacy may be located within a 15 mile radius of another marijuana pharmacy.

Proposed law retains present law and decreases the distance to a one-mile straight-line radius.

Present law authorizes both La. State University Agricultural Center and Southern University Agricultural Center to select and contract with one contractor authorized to produce therapeutic marijuana in this state.

Proposed law authorizes La. State University Agricultural Center and Southern University Agricultural Center to select and contract only with contractors authorized to produce therapeutic marijuana in this state.

(Amends R.S. 40:1046(G)(1) and (6) and (H)(1)(b); Repeals R.S. 40:1046(G)(2)-(5) and (8))