

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 460

2023 Regular Session

Robert Owen

MEDICAL MARIJUANA: Provides relative to the dispensing of medical marijuana

Synopsis of Senate Amendments

1. Clarifies the start of the time period for a license holder to file an application to open a satellite location and allow the La. Board of Pharmacy to grant additional time for a satellite location to become operational due to a circumstance beyond the control of the licensee.
2. Amends the transfer of ownership provision to a transfer of membership interest provision and require that the transfer of a membership interest in an entity operating a therapeutic marijuana pharmacy licensed by the Louisiana Board of Pharmacy is subject to approval by the Louisiana Board of Pharmacy.
3. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Present law tasks the Louisiana Board of Pharmacy (board) with developing an annual, nontransferable speciality license for a pharmacy to dispense recommended marijuana for therapeutic use.

Proposed law provides that a license for a pharmacy to dispense recommended marijuana for therapeutic use is transferrable. The transfer of a membership interest in a entity licensed as a therapeutic marijuana pharmacy requires the approval of the board in the same manner as required for the transfer of a membership interest in any other pharmacy licensed by the board.

Present law authorizes a marijuana pharmacy license holder to open a satellite pharmacy once the active patient count at the primary pharmacy reaches 3,500. Once the active patient count at both the primary pharmacy and the first satellite pharmacy reaches 3,500, the license holder for that region is allowed to open a second satellite location. Proposed law authorizes the license holder of marijuana pharmacy in a region to open the first satellite pharmacy once the primary pharmacy reaches 3,500. The license holder may open a second pharmacy when the active patient count reaches 7,000 for the region.

Proposed law requires the board to notify a license holder once he becomes eligible to open a first or second satellite pharmacy.

Proposed law requires the license holder to submit an application to open a satellite pharmacy no later than 90 days after receipt of the notification sent by the board. The satellite pharmacy must be operational within 310 days from the date of notification of eligibility; however, the board may grant additional time for the satellite location to become operational due to a circumstance beyond the control of the licensee.

Present law provides that no marijuana pharmacy shall be located within a 15-mile radius of another marijuana pharmacy. Proposed law limits the prohibition to no marijuana pharmacy shall be located within a 15-mile radius of another license holder's marijuana pharmacy.

Present law provides for the calculation of active patient counts once in a 12-month period using the preceding year from August 1st through July 31st. Proposed law requires the calculation of active patient counts to be done quarterly using the preceding three-month

period.

Present law defines an active, qualified patient as a patient that has acquired therapeutic marijuana once in the preceding 12-month period from August 1st to July 31st. Proposed law expands the definition to include any patient that has acquired therapeutic marijuana once.

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

(Amends R.S. 40:1046(G)(1), (3)(a)-(c), and (e), (6)(a)-(c), and (8))