

2023 Regular Session

HOUSE BILL NO. 460

BY REPRESENTATIVE ROBERT OWEN

1 AN ACT

2 To amend and reenact R.S. 40:1046(G)(1), (3)(a) through (c) and (e), (6)(a) through (c), and
3 (8), relative to the distribution of marijuana for therapeutic use; to provide relative
4 to permitting and regulation of marijuana pharmacies by the Louisiana Board of
5 Pharmacy; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1046(G)(1), (3)(a) through (c), and (e), (6)(a) through (c), and (8)
8 are hereby amended and reenacted to read as follows:

9 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
10 regulations of the Louisiana Board of Pharmacy; production facility
11 licensing; permitting by the Louisiana Department of Health

12 * * *

13 G.(1)(a) 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, except as provided in Paragraph (3) of this
16 Subsection, shall limit the number of licenses granted in the state to no more than ten
17 licenses. ~~The~~ Except as provided in Subparagraph (b) of this Paragraph, the board
18 shall award one license per region as delineated in Paragraph (2) of this Subsection
19 and one additional license to the region with the highest population density as of
20 August 1, 2022, and shall award each license through a competitive process. The
21 board shall consider the status of an applicant as a minority-, woman-, or veteran-
22 owned business as a primary factor in awarding a license.

1 Subparagraph (a) or (b) of this Paragraph, then the Louisiana Board of Pharmacy
2 may issue, pursuant to the provisions of Paragraph (1) of this Subsection, an
3 additional marijuana pharmacy license in that region to open one marijuana
4 pharmacy location in lieu of the original licensee's ~~second~~ satellite location in that
5 region.

6 * * *

7 (e) For the purposes of this Paragraph, the active, qualified patient count
8 shall be conducted ~~on or after August 1 of each year~~ and reviewed on a quarterly
9 basis using the preceding ~~twelve-month~~ three-month period of ~~August 1 through July~~
10 ~~31~~.

11 * * *

12 (6)(a) No marijuana pharmacy shall locate within a fifteen-mile radius of
13 another license holder's marijuana pharmacy.

14 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
15 in a region that encompasses any parish with a population of more than three
16 hundred fifty thousand persons according to the most recent federal decennial
17 census, no marijuana pharmacy shall locate within a ten-mile radius of another
18 license holder's marijuana pharmacy.

19 (c) Notwithstanding the provisions of ~~Subparagraph (a)~~ Subparagraphs (a)
20 and (b) of this Paragraph, in a region that encompasses any municipality with a
21 population of more than three hundred fifty thousand persons according to the most
22 recent federal decennial census, no marijuana pharmacy shall locate within a
23 five-mile radius of another license holder's marijuana pharmacy.

24 * * *

25 (8) For purposes of this Subsection, "active, qualified patient" means a
26 patient ~~that~~ who has acquired a therapeutic marijuana product at least once ~~in the~~
27 ~~preceding twelve-month period of August 1 through July 31~~.

28 * * *

29 Section 2. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____