

# ACT No. 311

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           (b) The transfer of a membership interest in an entity operating a pharmacy  
 2           licensed by the Louisiana Board of Pharmacy to dispense recommended marijuana  
 3           for therapeutic use shall be subject to approval of the board in the same manner  
 4           required for the transfer of a membership interest in any other pharmacy licensed by  
 5           the board.

6   \*       \*       \*

7           (3)(a) After three thousand five hundred active, qualified patients are  
 8           identified in the prescription monitoring program in a region, the Louisiana Board  
 9           of Pharmacy shall notify and allow the marijuana pharmacy licensee in that region  
 10          to open one additional marijuana pharmacy location as a satellite location in that  
 11          region. For the purposes of this Paragraph, "satellite location" shall mean an  
 12          additional marijuana pharmacy location operated by a marijuana pharmacy licensee  
 13          within the licensee's geographic region but physically separate from the location of  
 14          the originally licensed therapeutic marijuana pharmacy.

15          (b) ~~If the marijuana pharmacy licensee opens a satellite location pursuant to~~  
 16          ~~Subparagraph (a) of this Paragraph and the original location and the satellite location~~  
 17          ~~are each found to be serving three thousand five hundred active, qualified patients,~~  
 18          After seven thousand active, qualified patients are identified in the prescription  
 19          monitoring program in a region then the Louisiana Board of Pharmacy shall notify  
 20          and allow the marijuana pharmacy licensee in that region to open one additional  
 21          marijuana pharmacy location as a second satellite location in that region.

22          (c) The licensee shall submit an application to open a satellite location  
 23          provided for in this Paragraph no later than ninety days after receipt of the  
 24          notification sent by the Louisiana Board of Pharmacy pursuant to Subparagraph (b)  
 25          of this Paragraph to inform the licensee of his eligibility to open a satellite location.  
 26          The satellite location shall be operational within three hundred ten days of the  
 27          approval of the application by the Louisiana Board of Pharmacy. The Louisiana  
 28          Board of Pharmacy may grant additional time for the satellite location to become  
 29          operational due to a circumstance beyond the control of the licensee. If a marijuana  
 30          pharmacy licensee declines to open a ~~second~~ satellite location pursuant to

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_