

RÉSUMÉ DIGEST

ACT 311 (HB 460)

2023 Regular Session

Robert Owen

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

New law provides that a license to operate a marijuana pharmacy is transferrable. The transfer of a membership interest in a 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.

Existing law authorizes a marijuana pharmacy license holder (licensee) to open a satellite marijuana pharmacy once the active patient count for the region reaches 3,500 according the prescription monitoring program.

Prior law provided that if the active patient count at the primary marijuana pharmacy and the first satellite marijuana pharmacy each reached 3,500 patients served, the board would allow the licensee for that region to open a second satellite marijuana pharmacy.

New law provides that the board shall allow the licensee for the region to open a second satellite marijuana pharmacy when the active patient count reaches 7,000 for the region.

New law requires the board to notify the licensee for that region once he becomes eligible to open a first or second satellite marijuana pharmacy.

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

Prior law provided that no marijuana pharmacy shall be located within the statutorily defined distance of another marijuana pharmacy.

New law provides that no marijuana pharmacy shall be located within the statutorily defined distance of another licensee's marijuana pharmacy.

Prior law provided for the calculation of active patient counts once in a 12-month period using the preceding year from Aug. 1st through July 31st.

New law requires the calculation of active patient counts to be done quarterly using the preceding three-month period.

Prior law defined an active, qualified patient as a patient who has acquired a therapeutic marijuana product once in the preceding 12-month period from Aug. 1st to July 31st.

New law defines an active, qualified patient as a patient who has acquired a therapeutic marijuana product once.

Effective upon signature of governor (June 13, 2023).

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