

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 376

2024 Regular Session

Riser

MEDICAL MARIJUANA: Provides relative to the regulation of medical marijuana

Synopsis of Senate Amendments

1. Adds that the authority to regulate therapeutic marijuana shall transfer from the La. Bd. of Pharmacy (LBP) to the La. Dept. of Health (LDH).
2. Converts a license issued by the LBP to dispense therapeutic marijuana to a retail permit to sell therapeutic marijuana issued by the LDH.
3. Adds that therapeutic marijuana is required to be sold by a retail location permitted by LDH.
4. Adds that a retail permit to sell therapeutic marijuana shall be renewed by LDH unless the permit holder fails to follow the proper application procedure, does not pay fees on time, or voluntarily relinquishes his permit.
5. Adds that current therapeutic marijuana licensees shall be issued retail permits to sell therapeutic marijuana.

Digest of Bill as Finally Passed by Senate

Present law requires therapeutic marijuana be dispensed from a marijuana pharmacy licensed by La. Bd. of Pharmacy (LBP).

Proposed law requires therapeutic marijuana be sold from a marijuana retailer permitted by the La. Dept. of Health (LDH).

Present law provides that marijuana used by a patient at the recommendation of an authorized clinician (therapeutic marijuana) shall be administered and regulated by the combined effort of the LBP, LDH, and the La. Dept. of Agriculture and Forestry.

Proposed law changes present law to provide that LDH shall be the sole agency responsible for administering and regulating therapeutic marijuana.

Present law creates an exception to criminal penalties for distribution or possession with intent to distribute marijuana for any entity authorized to dispense, produce, or transport therapeutic marijuana.

Proposed law retains present law but clarifies the entities will be regulated by LDH.

Present law directs LBP to promulgate rules relating to therapeutic marijuana.

Proposed law directs LDH to promulgate rules relating to therapeutic marijuana.

Present law provides that rules relating to therapeutic marijuana promulgated in accordance with present law shall include but not be limited to all of the following:

- (1) Standards, procedures, and protocols for the effective use of recommended marijuana for therapeutic use.
- (2) The establishment of standards and procedures for the revocation, suspension, and nonrenewal of licenses.

- (3) Licensure of dispensers of recommended therapeutic marijuana.
- (4) The establishment of financial requirements for applicants to dispense therapeutic marijuana that demonstrate that the applicant has the financial capacity to operate a therapeutic marijuana pharmacy and ability to maintain an escrow account in a financial institution headquartered in Louisiana in an amount of two million dollars.
- (5) The limitations on dispensing of raw or crude marijuana.

Proposed law repeals present law.

Present law requires a person who dispenses therapeutic marijuana to record each dispensation of therapeutic marijuana in the prescription monitoring program established by present law to track prescription drugs of concern to public safety.

Proposed law repeals present law and requires a permitted marijuana retailer to record each sale of therapeutic marijuana in the La. Medical Marijuana Tracking System (LMMTS).

Present law provides that any person who dispenses therapeutic marijuana shall comply with the reporting requirements of the prescription monitoring program.

Propose law modifies present law to require any person who sells therapeutic marijuana to comply with the reporting requirements of the LMMTS.

Proposed law requires each retailer permitted to sell therapeutic marijuana to appoint at least one pharmacist residing in La. who has a an unrestricted license with LBP and who shall be responsible for the operation of the primary retail location and any satellite locations. Proposed law further provides that the pharmacist shall be considered on duty when accessible to employees and agents of the primary and satellite location through telephonic means during open hours and available by telephone or video conference for a patient consultation during open hours.

Present law provides that the LBP shall develop an annual license for a pharmacy to dispense therapeutic marijuana and shall limit licenses granted in this state to no more than ten licenses.

Proposed law provides that LDH shall issue an annual retail permit to sell therapeutic marijuana and shall limit permits granted in this state to no more than ten.

Present law provides that LBP shall award one license to operate a marijuana pharmacy per administrative health region, as determined by LDH, through a competitive bid process.

Proposed law provides that LDH shall award one retail permit to operate a marijuana retail location per administrative health region, as determined by LDH, through a competitive bid process.

Present law provides that one additional license shall be granted to the region with the highest population density as of August 1, 2022. Present law further provides that LBP shall consider the status of an applicant as a minority-, woman-, or veteran-owned business as a primary factor in awarding a license.

Proposed law repeals present law.

Proposed law states that LDH shall renew a retail permit to operate a marijuana retail location annually unless any of the following occur:

- (1) After written notice from LDH and failure of the retail permit holder to cure a defect within 30 days following receipt of the notice, a retail permit holder fails to comply proper application procedure or fails to pay fees.

(2) A retail permit holder voluntarily returns or remits his permit to LDH.

Present law allows the transfer of a membership interest in an entity operating a therapeutic marijuana pharmacy only with LBP's approval in the manner required for the transfer of a membership interest in any other pharmacy licensed by LBP.

Proposed law repeals present law and allows the transfer of a membership interest in an entity that holds a marijuana retail permit without the approval of LDH.

Present law permits a therapeutic marijuana pharmacy licensee to open satellite pharmacies once the number of active patient's reaches a certain number according to the prescription monitoring program.

Proposed law removes present law reference to the prescription monitoring program.

Present law allows a licensed therapeutic marijuana pharmacy licensee to open a maximum of two satellite pharmacies without requiring the licensee to obtain another license. Present law further provides that no region shall have more than two satellite locations and that there shall be no more than 30 satellite locations in the state.

Proposed law retains present law and changes references from licensed therapeutic marijuana pharmacies to retail permit holder.

Present law provides that no therapeutic marijuana pharmacy may be located with in a certain distance of another license holder's therapeutic marijuana pharmacy.

Proposed law retains present law and adds that the retail permit holders impacted may agree to waive the minimum distance provisions of present law.

Present law establishes a sunset provision for the therapeutic marijuana program to terminate on January 1, 2025.

Proposed law extends the termination date to July 1, 2030.

Proposed law provides that the regulatory authority for therapeutic marijuana shall be transferred from LBP to LDH effective Jan. 1, 2025. Proposed law further provides that LDH shall promulgate rules prior to the transfer date.

Proposed law provides that LDH shall allow the continued wholesale purchase, sale, and delivery of therapeutic marijuana by retail permit holders until such times as LDH adopts all necessary rules.

Proposed law provides that entities licensed to dispense therapeutic marijuana as a pharmacy shall have their license transferred to LDH and converted into a retail permit to sell therapeutic marijuana.

Effective Jan. 1, 2025.

(Amends R.S. 40:966(F)(2)-(5) and (8)(b)(i) and (c), 1046(A)(1), (3), (5), and (7), (C)(1) and (2)(c), (g), and (i), (D), (E), (F), (G)(1), (2), (3)(a)-(d), and (4)-(7), (H)(6)(a)(intro. para.) and (vi), and (L), 1046.1(A), (B), (C)(1), (2)(a)(intro. para.) and (b), (D), (E), and (F)(intro. para.), 1046.2(F)(intro. para.), (1), and (2)(intro. para.) and (b), (G)(intro. para.) and (1), (I)(intro. para.), (1)(intro. para.) and (b), (2), and (3), and 1046.4(B); Repeals R.S. 40:1046(C)(2)(a), (f), and (j) through (l))