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## DIGEST

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HB 826 Engrossed

2018 Regular Session

Hunter

**Abstract:** Provides relative to specialty pharmacy licenses for marijuana dispensing pharmacies.

### **Recommendation of Medical Marijuana**

Present law authorizes physicians in La. to recommend tetrahydrocannabinols (commonly referred to as "medical marijuana"), or chemical derivatives thereof, for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition as defined in present law. Proposed law retains present law.

Present law requires the La. Board of Pharmacy, referred to hereafter as the "board", to develop an annual, nontransferable specialty license for a pharmacy to dispense recommended marijuana for therapeutic use, and provides that the number of such licenses granted in the state shall be limited to no more than ten licensees. Proposed law repeals present law limiting the number of such licenses to ten.

Proposed law stipulates that no person shall be eligible for a marijuana dispensing pharmacy license unless he is a board-licensed pharmacist.

Proposed law requires the board to establish financial stability requirements for each entity awarded a marijuana dispensing pharmacy license.

Proposed law requires the board to report to the legislative committees on health and welfare annually all of the following information:

- (1) The total number of applications for marijuana dispensing pharmacy licenses.
- (2) The number of applications for marijuana dispensing pharmacy licenses approved by the board.
- (3) The number of applications for marijuana dispensing pharmacy licenses denied by the board.
- (4) Demographic information concerning applicants including but not limited to age and race.

Proposed law stipulates that no person who holds a marijuana dispensing pharmacy license upon the effective date of proposed law shall be eligible to renew such license unless the majority stake of the marijuana dispensing pharmacy that he operates is owned by a board-licensed pharmacist.

## **Prescription of Medical Marijuana**

Present law authorizes physicians in La. to prescribe, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition as defined in present law if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed. Proposed law retains present law.

Present law requires the La. Board of Pharmacy to develop an annual, nontransferable specialty license for a pharmacy to dispense prescribed marijuana for therapeutic use, and provides that the number of such licenses granted in the state shall be limited to no more than ten licensees.

Proposed law retains present law and requires the La. Board of Pharmacy to ensure that no fewer than four such licenses are granted to minority-owned businesses that would qualify for designation as minority business enterprises in accordance with present law.

Proposed law stipulates that upon its effective date, if a sufficient number of marijuana dispensing pharmacy licenses have already been granted so as to preclude the issuance of the minimum of four licenses required by proposed law, then the La. Board of Pharmacy shall issue additional licenses above the ten-license limit provided in present law in a number sufficient to ensure that at least 40% of all such licenses are granted to minority-owned businesses.

## **Effective Date**

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

(Amends R.S. 40:1046(G) and R.S. 40:1046(G) as amended and reenacted by §2 of Act No. 96 of 2016 R.S.)

## **Summary of Amendments Adopted by House**

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Provide all of the following with respect to present law and proposed law relative to recommendation of marijuana for therapeutic use:
  - a. Delete present law limiting to ten the number of marijuana dispensing pharmacy licenses available from the La. Board of Pharmacy, referred to hereafter as the "board".
  - b. Delete proposed law requiring the board to ensure that a certain proportion of marijuana dispensing pharmacy licenses are granted to minority-owned business enterprises.

- c. Stipulate that no person shall be eligible for a marijuana dispensing pharmacy license unless he is a board-licensed pharmacist.
- d. Require the board to establish financial stability requirements for each entity awarded a marijuana dispensing pharmacy license.
- e. Require the board to report to the legislative committees on health and welfare annually all of the following information:
  - (i) The total number of applications for marijuana dispensing pharmacy licenses.
  - (ii) The number of applications for marijuana dispensing pharmacy licenses approved by the board.
  - (iii) The number of applications for marijuana dispensing pharmacy licenses denied by the board.
  - (iv) Demographic information concerning applicants including but not limited to age and race.
- f. Stipulate that no person who holds a marijuana dispensing pharmacy license upon the effective date of proposed law shall be eligible to renew such license unless the majority stake of the marijuana dispensing pharmacy that he operates is owned by a board-licensed pharmacist.