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.

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1 (b) The transfer of a membership interest in an entity operating a pharmacy	1
2 licensed by the Louisiana Board of Pharmacy to dispense recommended marijuana	2
3 for therapeutic use shall be subject to approval of the board in the same manner	3
4 required for the transfer of a membership interest in any other pharmacy licensed by	4
5 <u>the board.</u>	5
6 * * *	6
7 (3)(a) After three thousand five hundred active, qualified patients are	7
8 identified in the prescription monitoring program in a region, the Louisiana Board	8
9 of Pharmacy shall <u>notify and</u> allow the marijuana pharmacy licensee in that region	9
0 to open one additional marijuana pharmacy location as a satellite location in that	10
1 region. For the purposes of this Paragraph, "satellite location" shall mean an	11
2 additional marijuana pharmacy location operated by a marijuana pharmacy licensee	12
3 within the licensee's geographic region but physically separate from the location of	13
4 the originally licensed therapeutic marijuana pharmacy.	14
5 (b) If the marijuana pharmacy licensee opens a satellite location pursuant to	15
6 Subparagraph (a) of this Paragraph and the original location and the satellite location	16
7 are each found to be serving three thousand five hundred active, qualified patients	17
8 After seven thousand active, qualified patients are identified in the prescription	18
9 <u>monitoring program in a region</u> then the Louisiana Board of Pharmacy shall <u>notify</u>	19
0 <u>and</u> allow the marijuana pharmacy licensee in that region to open one additional	20
1 marijuana pharmacy location as a second satellite location in that region.	21
2 (c) <u>The licensee shall submit an application to open a satellite location</u>	22
3 provided for in this Paragraph no later than ninety days after receipt of the	23
4 notification sent by the Louisiana Board of Pharmacy pursuant to Subparagraph (b)	24
5 of this Paragraph to inform the licensee of his eligibility to open a satellite location.	25
6 The satellite location shall be operational within three hundred ten days of the	26
7 approval of the application by the Louisiana Board of Pharmacy. The Louisiana	27
8 Board of Pharmacy may grant additional time for the satellite location to become	28
9 operational due to a circumstance beyond the control of the licensee. If a marijuana	29
0 pharmacy licensee declines to open a second satellite location pursuant to	30

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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

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- 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: _____