

SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator McMath to Engrossed House Bill No. 376 by Representative Riser

1 AMENDMENT NO. 1

2 Delete the Senate Committee Amendments proposed by the Senate Committee on Health
3 and Welfare and adopted by the Senate on April 29, 2024.

4 AMENDMENT NO. 2

5 On page 1, line 2, after "reenact" delete "R.S. 40:1046(L)" and insert "R.S. 40:966(F)(2)
6 through (5) and (8)(b)(i) and (c), 1046(A)(1), (3), (5), and (7), (C)(1) and (2)(c), (g), and (i),
7 (D), (E), (F), (G)(1), (2), (3)(a) through (d), and (4) through (7), (H)(6)(a)(introductory
8 paragraph) and (a)(vi), and (L), 1046.1(A), (B), (C)(1), (2)(a)(introductory paragraph) and
9 (b), (D), (E), and (F)(introductory paragraph), 1046.2(F)(introductory paragraph), (1), and
10 (2)(introductory paragraph) and (b), (G)(introductory paragraph) and (1), (I)(introductory
11 paragraph) and (1)(introductory paragraph) and (b), (2), and (3), and 1046.4(B) and to repeal
12 R.S. 40:1046(C)(2)(a), (f), and (j) through (l)"

13 AMENDMENT NO. 3

14 On page 1, line 3, after "date;" insert "to provide for the sale of marijuana for therapeutic
15 use; to provide for the transfer of regulatory authority from the Louisiana Board of Pharmacy
16 to the Louisiana Department of Health; to provide for marijuana retail permits; to provide
17 for rulemaking;"

18 AMENDMENT NO. 4

19 On page 1, line 6, after "Section 1." delete "R.S. 40:1046(L) is" and insert "R.S.
20 40:966(F)(2) through (5) and (8)(b)(i) and (c), 1046(A)(1), (3), (5), and (7), (C)(1) and
21 (2)(c), (g), and (i), (D), (E), (F), (G)(1), (2), (3)(a) through (d), and (4) through (7),
22 (H)(6)(a)(introductory paragraph) and (a)(vi), and (L), 1046.1(A), (B), (C)(1),
23 (2)(a)(introductory paragraph) and (b), (D), (E), and (F)(introductory paragraph),
24 1046.2(F)(introductory paragraph), (1), and (2)(introductory paragraph) and (b),
25 (G)(introductory paragraph) and (1), (I)(introductory paragraph) and (1)(introductory
26 paragraph) and (b), (2), and (3), and 1046.4(B) are"

27 AMENDMENT NO. 5

28 On page 1, delete lines 7 through 10 and insert the following:

29 "§966. Penalty for distribution or possession with intent to distribute narcotic drugs
30 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
31 heroin

32 * * *
33 F. * * *

34 (2) Any ~~pharmacy licensed to dispense~~ retailer permitted to sell marijuana
35 pursuant to R.S. 40:1046, and any employee, board member, director, or agent of a
36 ~~pharmacy licensed to dispense~~ retailer permitted to sell marijuana pursuant to R.S.
37 40:1046, shall be exempt from the provisions of this Section for possession of
38 marijuana at a location designated by the Louisiana ~~Board of Pharmacy~~ Department
39 of Health's rules and regulations, or distribution of marijuana in a form approved by
40 the Louisiana ~~Board of Pharmacy~~ Department of Health to a patient with a valid
41 recommendation or prescription, in the state-sponsored medical marijuana program.
42 This Paragraph shall not prevent the arrest or prosecution of any person for diversion
43 of marijuana or any of its derivatives or other conduct outside the scope of the

1 state-sponsored medical marijuana program or for violations of the Louisiana Board
2 of Pharmacy Department of Health's rules and regulations.

3 (3) Any licensee or its subordinate contractor licensed by the Louisiana
4 Department of Agriculture and Forestry Health to produce marijuana pursuant to
5 R.S. 40:1046, and any employee, board member, director, or agent of a marijuana
6 licensee or its subordinate contractor licensed pursuant to R.S. 40:1046, shall be
7 exempt from prosecution under this Section for possession, production, or
8 manufacture of marijuana at the production facility designated by the Louisiana
9 Department of Agriculture and Forestry Health or for the transportation of marijuana
10 or any of its derivatives in accordance with the Louisiana Department of Agriculture
11 and Forestry Health's rules and regulations. This Paragraph shall not prevent the
12 arrest or prosecution of any person for diversion of marijuana from the production
13 facility designated by the Louisiana Department of Agriculture and Forestry Health
14 outside the scope of the state-sponsored medical marijuana program or for violations
15 of the Louisiana Department of Agriculture and Forestry Health's rules and
16 regulations.

17 (4) Any laboratory that tests marijuana or marijuana preparations produced
18 and distributed under the state-sponsored medical marijuana program, and any
19 employee, board member, director, or agent of a testing laboratory pursuant to R.S.
20 40:1046, shall be exempt from prosecution under this Section for possession of
21 marijuana or any of its derivatives at a research laboratory designated by the
22 Louisiana Board of Pharmacy Department of Health or for transportation of
23 marijuana or any of its derivatives in accordance with Louisiana Board of Pharmacy
24 Department of Health's rules and regulations. This Paragraph shall not prevent the
25 arrest or prosecution of any person for diversion of marijuana from a research
26 laboratory designated by the Louisiana Board of Pharmacy Department of Health or
27 other conduct outside the scope of the state-sponsored medical marijuana program
28 or for violations of Board of Pharmacy the Louisiana Department of Health's rules
29 and regulations.

30 (5) Any person, employee, board member, director, or agent conducting
31 research as the licensee pursuant to R.S. 40:1046 and any employee, board member,
32 director, agent, or any person conducting research in partnership with the licensee
33 shall be exempt from prosecution under this Section for the possession, production,
34 or manufacture of marijuana or any of its derivatives at the production facility
35 designated by the Department of Agriculture and Forestry or for the transportation
36 of marijuana or any of its derivatives in accordance with Louisiana Department of
37 Agriculture and Forestry Health's rules and regulations. This Paragraph shall not
38 prevent the arrest or prosecution of any person for diversion of marijuana or any of
39 its derivatives from the production facility designated by the Department of
40 Agriculture and Forestry or other conduct outside the scope of the state-sponsored
41 medical marijuana program or for violations of the Louisiana Department of
42 Agriculture and Forestry Health's rules and regulations.

43 * * *

44 (8) * * *

45 (b) Notwithstanding any other provision of law to the contrary, except when
46 the person to be arrested has committed a felony, although not in the presence of the
47 officer, no peace officer may arrest any employee, board member, director, or agent
48 during the course and scope of his employment with the following, pursuant to R.S.
49 40:1046:

50 (i) A ~~pharmacy licensed to dispense~~ retailer permitted to sell marijuana for
51 therapeutic use.

52 * * *

53 (c) The defendant shall bear the burden of proving that the possession,
54 manufacture, production, transportation, or distribution was in accordance with the
55 state-sponsored medical marijuana program, ~~the Louisiana Board of Pharmacy rules~~
56 ~~and regulations,~~ or the Louisiana Department of Agriculture and Forestry Health's
57 rules and regulation, as applicable.

58 * * *

1 §1046. Recommendation and ~~dispensing sale~~ of marijuana for therapeutic use; ~~rules~~
2 ~~and regulations of the Louisiana Board of Pharmacy~~; production facility
3 ~~licensing; regulations and permitting~~ by the Louisiana Department of Health

4 A.(1) Notwithstanding any other provision of this Part, any clinician
5 authorized by the provisions of Subsection B of this Section to recommend medical
6 marijuana, referred to in this Section as an "authorized clinician", may recommend,
7 in any form ~~as permitted~~ authorized by the rules and regulations of the Louisiana
8 ~~Board of Pharmacy~~ Department of Health, hereafter referred to as the "department",
9 raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of
10 tetrahydrocannabinols for therapeutic use by any patient clinically diagnosed as
11 suffering from a debilitating medical condition.

12 * * *

13 (3) For purposes of this Part, "recommend" or "recommended" means an
14 opinion of any authorized clinician, provided within a bona fide clinician-patient
15 relationship, that, in the sincere judgment of the clinician, therapeutic cannabis may
16 be helpful to the patient's condition or symptoms and is communicated by any means
17 allowed by the ~~Louisiana Board of Pharmacy~~ department.

18 * * *

19 (5)(a) No ~~pharmacy authorized to dispense~~ retailer permitted to sell
20 marijuana for therapeutic use in accordance with the provisions of this Section shall
21 ~~dispense~~ sell more than two and one-half ounces, or seventy-one grams, of raw or
22 crude marijuana every fourteen days to any individual patient.

23 (b) No ~~pharmacy authorized to dispense~~ retailer permitted to sell marijuana
24 for therapeutic use in accordance with the provisions of this Section shall ~~dispense~~
25 sell raw or crude marijuana to any person under twenty-one years of age without a
26 recommendation from an authorized clinician specifically recommending marijuana
27 in raw or crude form for that person.

28 * * *

29 (7) Nothing in this Subsection shall be construed to prevent the ~~Louisiana~~
30 ~~Board of Pharmacy~~ department from ~~permitting~~ authorizing, by rule, medical
31 marijuana in a form to be administered by metered-dose inhaler. For purposes of this
32 Section, "metered-dose inhaler" means a device that delivers a specific amount of
33 medication to the lungs, in the form of a short burst of medicine that is usually
34 self-administered by the patient via inhalation.

35 * * *

36 C.(1) The ~~Louisiana Board of Pharmacy~~ department shall adopt rules to
37 provide for relating to therapeutic marijuana retail permits.

38 (2) The rules promulgated pursuant to this Subsection shall include but not
39 be limited to:

40 * * *

41 (c) Procedures and protocols to provide that no recommended therapeutic
42 marijuana may be ~~dispensed~~ sold from, produced from, obtained from, sold to, or
43 transferred to a location outside of this state.

44 * * *

45 (g) The establishment of other ~~licensing~~ permit, renewal, and operational
46 standards which are deemed necessary by the ~~Louisiana Board of Pharmacy~~
47 department.

48 * * *

49 (i) The establishment of health, safety, and security requirements for
50 ~~dispensers of recommended~~ therapeutic marijuana retail permit holders.

51 * * *

52 D. Nothing in this Section shall be construed to prohibit the ~~Louisiana State~~
53 ~~Board of Medical Examiners or the Louisiana Board of Pharmacy~~ department from
54 adopting emergency rules as otherwise provided for in the Administrative Procedure
55 Act.

56 E. Marijuana, tetrahydrocannabinols, or a chemical derivative of
57 tetrahydrocannabinols recommended pursuant to this Section shall be ~~dispensed~~ sold
58 in person ~~from by a licensed pharmacy~~ marijuana retail permit holder ~~in good~~
59 ~~standing~~ located in Louisiana.

1 F.(1)(a) Each permitted retailer shall acquire and maintain all software,
2 hardware, and communications infrastructure necessary to ensure connectivity to and
3 implementation of the Louisiana Medical Marijuana Tracking System, hereafter
4 referred to as the "LMMTS", from seed to delivery to an approved laboratory, to
5 wholesale to permitted retailers, to wholesale to another licensed cultivation facility,
6 to delivery to an authorized researcher, to sale to patients or caregivers by permitted
7 retailers, or to destruction. A person who recommends and a person who dispenses
8 sells marijuana, tetrahydrocannabinols, or a chemical derivative of
9 tetrahydrocannabinols pursuant to this Section shall review the patient's information
10 in the database of the prescription monitoring program established in R.S. 40:1001
11 et seq. LMMTS prior to the recommending and dispensing selling thereof.

12 (b) Each retail permit holder shall appoint a minimum of one pharmacist
13 residing in Louisiana who has an active unrestricted license with the Louisiana Board
14 of Pharmacy who is designated by the retail permit holder to be responsible for the
15 operation of the primary retail location and any satellite locations in compliance with
16 all applicable laws and regulations. The pharmacist shall be considered on duty when
17 accessible by the employees and agents of the primary retail location and any
18 satellite locations through telephonic means during open hours and available by
19 telephone or video conference for a patient consultation during open hours.

20 (2) Any person who ~~dispenses~~ sells marijuana, tetrahydrocannabinols, or a
21 chemical derivative of tetrahydrocannabinols pursuant to this Section shall comply
22 with the reporting requirements of the ~~prescription monitoring program established~~
23 ~~in R.S. 40:1001 et seq~~ LMMTS.

24 ~~G.(1)(a) The Louisiana Board of Pharmacy department shall develop issue~~
25 ~~an annual license for a pharmacy to dispense retail permit to sell recommended~~
26 ~~marijuana for therapeutic use and, except as provided in Paragraph (3) of this~~
27 ~~Subsection, shall limit the number of licenses retail permits granted in the state to no~~
28 ~~more than ten licenses. Except as provided in Subparagraph (b) of this Paragraph, the~~
29 ~~board shall award one license per region as delineated in Paragraph (2) of this~~
30 ~~Subsection and one additional license to the region with the highest population~~
31 ~~density as of August 1, 2022, and shall award each license through a competitive~~
32 ~~process. The board shall consider the status of an applicant as a minority-, woman-,~~
33 ~~or veteran-owned business as a primary factor in awarding a license.~~

34 (b) Upon each annual renewal period, a retail permit in force shall be
35 renewed by the department for the next succeeding period upon proper application
36 for renewal and payment of permit fees as required by law and the rules and
37 regulations of the department.

38 (c) Subject to the limitations in this Subsection, the department shall select
39 a new retail permit holder through a competitive bid process in accordance with the
40 applicable provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq., only
41 if any of the following occur:

42 (i) After written notice from the department and failure of the retail permit
43 holder to cure within thirty days following receipt of written notice, a retail permit
44 holder fails to comply with the proper application for renewal and payment of permit
45 fees as required by law and the rules and regulations of the department, and the retail
46 permit is revoked.

47 (ii) A retail permit is voluntarily returned or remitted to the department prior
48 to the expiration of the permit period.

49 ~~(b)(c)~~ (e) The transfer of a membership interest in an entity operating a pharmacy
50 licensed by the Louisiana Board of Pharmacy that holds a marijuana retail permit to
51 dispense recommended marijuana for therapeutic use may be conducted without
52 approval of the department shall be subject to approval of the board in the same
53 manner required for the transfer of a membership interest in any other pharmacy
54 licensed by the board.

55 (2) For the purposes of this Subsection, the regions among which the
56 ~~Louisiana Board of Pharmacy shall allocate~~ marijuana pharmacy licenses retail
57 permits are allocated shall correspond to the sets of parishes comprising,
58 respectively, the administrative regions of the Louisiana Department of Health as
59 those regions existed on August 1, 2022. On and after October 1, 2022, at least one
60 ~~licensed marijuana pharmacy retailer~~ shall be located in each region.

1 (3)(a) After three thousand five hundred active, qualified patients are
2 identified in the ~~prescription monitoring program~~ in a region, the ~~Louisiana Board~~
3 ~~of Pharmacy department~~ shall notify and allow the marijuana ~~pharmacy licensee~~
4 ~~retail permit holder~~ in that region to open one additional ~~marijuana pharmacy retail~~
5 location as a satellite location in that region. For the purposes of this Paragraph,
6 "satellite location" shall mean an additional marijuana ~~pharmacy retail~~ location
7 operated by a ~~marijuana pharmacy licensee retail permit holder~~ within the ~~licensee's~~
8 ~~same~~ geographic region but physically separate from the location of the ~~originally~~
9 ~~licensed original~~ therapeutic marijuana ~~pharmacy retail~~ location.

10 (b) After seven thousand active, qualified patients are identified in the
11 ~~prescription monitoring program~~ in a region, the ~~Louisiana Board of Pharmacy~~
12 ~~department~~ shall notify and allow the marijuana ~~pharmacy licensee retail permit~~
13 ~~holder~~ in that region to open one additional marijuana ~~pharmacy retail~~ location as a
14 second satellite location in that region.

15 (c) The ~~licensee retail permit holder~~ shall submit an application to open a
16 satellite location provided for in this Paragraph no later than ninety days after receipt
17 of the notification sent by the ~~Louisiana Board of Pharmacy department~~ pursuant to
18 Subparagraph (b) of this Paragraph to inform the licensee of his eligibility to open
19 a satellite location. The satellite location shall be operational within three hundred
20 ten days of the approval of the application by the ~~Louisiana Board of Pharmacy~~
21 ~~department~~. The ~~Louisiana Board of Pharmacy department~~ may grant additional time
22 for the satellite location to become operational due to a circumstance beyond the
23 control of the ~~licensee retail permit holder~~. If a marijuana ~~pharmacy licensee retail~~
24 ~~permit holder~~ declines to open a satellite location pursuant to Subparagraph (a) or (b)
25 of this Paragraph, then the ~~Louisiana Board of Pharmacy department~~ may issue,
26 pursuant to the provisions of Paragraph (1) of this Subsection, an additional
27 marijuana ~~pharmacy license retail permit~~ in that region to open one marijuana
28 ~~pharmacy retail~~ location in lieu of the original ~~licensee's retail permit holder's~~
29 satellite location in that region.

30 (d) The ~~board department~~ shall consider any unserved parishes within the
31 region when approving a satellite location or additional marijuana ~~pharmacy for~~
32 ~~licensure retail permits~~ pursuant to this Paragraph.

33 * * *

34 (4)(a) The total number of marijuana ~~pharmacy retail~~ locations, including
35 satellite locations, approved by the ~~Louisiana Board of Pharmacy department~~
36 pursuant to Paragraph (3) of this Subsection shall not be greater than thirty locations.

37 (b) The provisions of this Paragraph shall not be construed to authorize a
38 marijuana ~~pharmacy licensee retail permit holder~~ to open more than two satellite
39 locations in a single region.

40 (5) The provisions of this Subsection shall not be construed to require the
41 closure of any marijuana ~~pharmacy retail~~ location, including satellite locations, if the
42 active, qualified patient count drops below three thousand five hundred after the
43 location is approved by the ~~board~~.

44 (6)(a) No marijuana ~~pharmacy retail permit holder~~ shall locate within a
45 fifteen-mile radius of another ~~license retail permit holder's~~ marijuana ~~pharmacy retail~~
46 ~~location~~.

47 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in
48 a region that encompasses any parish with a population of more than three hundred
49 fifty thousand persons according to the most recent federal decennial census, no
50 marijuana ~~pharmacy retail permit holder~~ shall locate within a ten-mile radius of
51 another ~~license retail permit holder's~~ marijuana ~~pharmacy retail~~ location.

52 (c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this
53 Paragraph, in a region that encompasses any municipality with a population of more
54 than three hundred fifty thousand persons according to the most recent federal
55 decennial census, no marijuana ~~pharmacy retail permit holder~~ shall locate within a
56 five-mile radius of another ~~license retail permit holder's~~ marijuana ~~pharmacy retail~~
57 ~~location~~.

58 (d) The provisions of this Paragraph shall not apply if all affected retail
59 ~~permit holders submit a written mutual agreement to the department waiving the~~
60 ~~provisions of this Paragraph~~.

(7) Each marijuana ~~pharmacy licensed in accordance with the provisions of this Subsection~~ retail permit holder shall offer ~~home~~ delivery to patients in each zip code within its region at least once per month.

H. * * *
* * *

(6)(a) The Louisiana Department of Health shall collect all of the following information from each ~~licensee~~ retail permit holder:

* * *

(vi) The amount of therapeutic marijuana distributed to each ~~pharmacy licensed to dispense therapeutic marijuana in this state~~ retail permit holder during each calendar year.

* * *"

AMENDMENT NO. 6

On page 1, delete lines 13 through 17 and insert the following:

"§1046.1. ~~Dispensing Sale~~ of marijuana for therapeutic use to visiting qualifying patients

A. As used in this ~~Section Part~~, the following terms have the meaning ascribed in this Subsection:

(1) ~~"Board"~~ means the Louisiana Board of Pharmacy.

(2) "Debilitating medical condition" has the meaning ascribed in R.S. 40:1046(A)(2)(a).

(2) "Department" means the Louisiana Department of Health.

(3) ~~"Marijuana pharmacy"~~ means a pharmacy that holds a specialty license to dispense medical marijuana issued pursuant to R.S. 40:1046(G).

(4)(3) "Medical marijuana" means marijuana for therapeutic use produced pursuant to the provisions of R.S. 40:1046(H).

(5)(4) ~~"Prescription monitoring program LMMTS"~~ means the electronic seed-to-sale tracking system approved by the department for the monitoring of controlled substances and drugs of concern established in R.S. 40:1004.

(6)(5) "Visiting qualifying patient" means a patient with a debilitating medical condition who is not a resident of Louisiana or who has been a resident of Louisiana for less than thirty days and who is in actual possession of a valid medical marijuana registry identification card, or its equivalent, which has been issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the United States.

B. A visiting qualifying patient may obtain medical marijuana from a marijuana ~~pharmacy~~ retail permit holder upon producing evidence of his valid medical marijuana registry identification card, or its equivalent, which has been issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the United States.

C.(1) A marijuana ~~pharmacy~~ retail permit holder shall require each visiting qualifying patient to certify on a form approved by the ~~board~~ department that he has been diagnosed by a ~~licensed physician~~ authorized clinician with one or more debilitating medical conditions. The form shall include the full name, address, and phone number of the visiting qualifying patient and shall include a statement to be signed by the patient by which he shall attest that he will not divert to any person any medical marijuana ~~dispensed~~ sold to him by the marijuana ~~pharmacy~~ retail permit holder.

(2)(a) A marijuana ~~pharmacy~~ retail permit holder shall retain a copy of each of the following documents received from a visiting qualifying patient:

* * *

(b) The ~~board~~ department shall promulgate in accordance with the Administrative Procedure Act a record retention schedule for marijuana ~~pharmacies~~ retail permit holders which applies to the documents identified in this Paragraph.

D. Prior to dispensing any medical marijuana product to a visiting qualifying patient, a ~~dispensing~~ pharmacist or the pharmacist's designee at a marijuana ~~pharmacy~~ retail location shall review the patient's records in the prescription

1 monitoring program LMMTS. The pharmacist or the pharmacist's designee shall
2 resolve any concerns identified in the review of the patient's prescription monitoring
3 program records by consultation with the patient's physician.

4 E.(1) Upon dispensing sale of any medical marijuana product to a visiting
5 qualifying patient, the dispensing pharmacist or the pharmacist's designee at a
6 marijuana pharmacy retail location shall report that transaction to the prescription
7 monitoring program LMMTS ~~in conformance with program rules governing~~
8 ~~dispensing of controlled substances to Louisiana-resident patients and as required by~~
9 ~~any rules of the board that apply to marijuana pharmacies.~~

10 (2) ~~The dispensing pharmacist at a marijuana pharmacy shall perform a~~
11 ~~prospective drug utilization review for each visiting qualifying patient and shall~~
12 ~~counsel each such patient every time medical marijuana is dispensed to the patient~~
13 ~~in conformance with rules of the board governing dispensing of controlled~~
14 ~~substances to Louisiana-resident patients and in compliance with applicable rules of~~
15 ~~the board on drug utilization review and patient counseling.~~

16 F. No marijuana pharmacy retail permit holder shall dispense sell medical
17 marijuana to a person who holds himself out to be a visiting qualifying patient if the
18 dispensing pharmacist or the pharmacist's designee at the pharmacy retail location
19 determines any of the following with respect to that person:

20 * * *

21 §1046.2. ~~Contractors; selection; Licensees;~~ minimum standards

22 * * *

23 F. All of the following requirements shall apply with respect to data
24 management by ~~contractors~~ licensees:

25 (1) Each contractor licensee shall acquire and maintain all software,
26 hardware, and communications infrastructure necessary to ensure connectivity to and
27 implementation of the Louisiana Medical Marijuana Tracking System, referred to
28 hereafter in this Subsection as the LMMTS, to track therapeutic marijuana from seed
29 to distribution to an approved laboratory, to ~~licensed pharmacies retail permit~~
30 ~~holders~~, to another cultivation contractor licensee or to destruction, tagging each
31 plant and product with a unique identification number, and entering the number into
32 the LMMTS for tracking. The contractor licensee shall bear the cost of all expenses
33 related to tracking, tagging, and implementation of the LMMTS.

34 (2) Within twenty-four hours of the respective qualifying event, the
35 contractor licensee shall record the following in the LMMTS:

36 * * *

37 (b) The sale, transfer, or transport of therapeutic marijuana or its derivatives
38 to another contractor licensee, approved laboratory, or therapeutic marijuana
39 pharmacy retail permit holder.

40 * * *

41 G. All of the following standards and requirements shall apply to ~~contractors'~~
42 licensees' inventory:

43 (1) Each contractor licensee shall maintain a comprehensive inventory of all
44 marijuana, including without limitation usable marijuana available for dispensing
45 sale, mature marijuana plants, and seedlings at each authorized location. Following
46 an initial inventory, all marijuana shall be inventoried on a weekly basis.

47 * * *

48 I. All of the following requirements shall apply to transportation of
49 therapeutic marijuana by ~~contractors~~ licensees:

50 (1) Prior to transporting therapeutic marijuana, a contractor licensee shall
51 generate an inventory manifest in the Louisiana Medical Marijuana Tracking
52 System, referred to hereafter in this Subsection as the LMMTS, including all of the
53 following information:

54 * * *

55 (b) The name of the contractor licensee, approved laboratory, or licensed
56 pharmacy retail permit holder receiving the transport.

57 * * *

58 (2) The contractor licensee originating the transport shall provide the
59 contractor licensee, approved laboratory, or licensed pharmacy retail permit holder
60 receiving the transport with a copy of the LMMTS inventory manifest, which shall
61 not be altered after departing the originating contractor's licensee's facility.

1 (3) The ~~contractor licensee~~, approved laboratory, or ~~licensed pharmacy retail~~
2 ~~permit holder~~ receiving the transport shall record the quantities of all therapeutic
3 marijuana products in the LMMTS. However, any ~~contractor licensee~~, approved
4 laboratory, or ~~licensed pharmacy retail permit holder~~ receiving a therapeutic
5 marijuana transport shall refuse the transport if it is not accompanied by an unaltered
6 LMMTS inventory manifest.

7 * * *

8 §1046.4. Testing; sample collection; minimum standards; reporting; remediation

9 * * *

10 B. Each batch of medical marijuana finished product shall pass all applicable
11 testing standards, including appropriate microbial and fungal limits, acceptable
12 standards for pesticide chemical residues, appropriate residual solvent and heavy
13 metals limits, homogeneity for concentrates and extracts, and complete active
14 ingredient analysis or potency analysis prior to transportation to a medical marijuana
15 ~~pharmacy retail permit holder~~. The administrative rules of the Louisiana Department
16 of Health shall allow for a variance of no greater than plus fifteen percent or minus
17 fifteen percent from the labeled amount of active ingredients in the ingredient
18 analysis or potency analysis.

19 * * *

20 Section 2. R.S. 40:1046(C)(2)(a), (f), and (j) through (l) are hereby repealed.

21 Section 3.(A) The regulatory authority provided in Part X-E of Chapter 4 of Title 40
22 of the Louisiana Revised Statutes of 1950 shall be transferred from the Louisiana Board of
23 Pharmacy to the Louisiana Department of Health effective January 1, 2025. Prior to January
24 1, 2025, the Louisiana Department of Health shall adopt rules in accordance with the
25 Administrative Procedure Act to provide for the regulation of therapeutic marijuana retail
26 permit holders.

27 (B) To prevent any disruption to the supply chain and to ensure uninterrupted
28 availability of recommended marijuana for therapeutic use for qualified patients, the
29 Louisiana Department of Health shall allow the continued wholesale purchase, sale, and
30 delivery of therapeutic marijuana by retail permit holders until such time as the department
31 adopts all necessary rules.

32 (C) To prevent any disruption to patient continuity of care, on January 1, 2025, the
33 Louisiana Board of Pharmacy shall transfer and the Louisiana Department of Health shall
34 accept the annual licenses in force to sell marijuana for therapeutic use at the licensees
35 primary location and all satellite locations and shall convert each license to therapeutic
36 marijuana retail permit.

37 Section 4. This Act shall become effective on January 1, 2025."