

## RÉSUMÉ DIGEST

**ACT 693 (HB 376)**

**2024 Regular Session**

**Riser**

Prior law required therapeutic marijuana to be dispensed from a marijuana pharmacy licensed by La. Bd. of Pharmacy (LBP).

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

Existing 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.

New law provides that LDH shall be the sole agency responsible for administering and regulating therapeutic marijuana.

Existing 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.

New law clarifies the entities will be regulated by LDH.

Prior law directed LBP to promulgate rules relating to therapeutic marijuana.

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

Prior law provided that the regulating authority promulgate rules relating to therapeutic marijuana including but not 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.

New law repeals prior law.

Existing law establishes a prescription monitoring program which creates a record of medications that an individual fills at a pharmacy.

Prior law required a person who recommends or dispenses therapeutic marijuana to review each patient's record in the prescription monitoring program.

New law repeals prior law and removes therapeutic marijuana from the list of drugs tracked by the prescription monitoring program.

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

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

New law requires any person who sells therapeutic marijuana to comply with the reporting requirements of the LMMTS.

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

Prior law provided 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.

New 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.

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

New 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.

Prior law provided that one additional license shall be granted to the region with the highest population density as of August 1, 2022. Prior law further provided 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.

New law repeals prior law.

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

- (1) The retail permit holder fails to cure a procedural defect in the application process within 30 day of receiving notice from LDH of the procedural defect.
- (2) A retail permit holder voluntarily returns or remits his permit to LDH.

Prior law allowed 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.

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

Prior law permitted a therapeutic marijuana pharmacy licensee to open satellite pharmacies once the number of active patients reached a certain number according to the prescription monitoring program.

New law removes prior law reference to the prescription monitoring program

Existing law allows a licensed therapeutic marijuana pharmacy licensee to open a maximum of two satellite pharmacies without requiring the licensee to obtain another license. Existing 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.

New law changes references from licensed therapeutic marijuana pharmacies to retail permit holder.

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

New law adds that the retail permit holders impacted may agree to waive the minimum distance provisions of existing law.

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

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

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

New 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.

New 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 January 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))