Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 697 by Representative Magee

1 AMENDMENT NO. 1
2 On page 1, line 2, after "(2)(introductory paragraph)," delete the remainder of the line

3 AMENDMENT NO. 2
4 On page 1, delete line 3 in its entirety and insert in lieu thereof the following:
5 "(G), and (H)(1), (2), (6)(a)(introductory paragraph) and (b), and (8)(a)(introductory paragraph) and (iii), to enact R.S."

7 AMENDMENT NO. 3
8 On page 1, line 4, after "repeal" delete the remainder of the line and insert in lieu thereof "R.S. 40:1046(C)(2)(h) and (H)(3)"

10 AMENDMENT NO. 4
11 On page 1, line 8, after "Health;" and before "to provide" insert "to provide for remittance to the Louisiana Department of Revenue of the proceeds of certain fees;"

13 AMENDMENT NO. 5
14 On page 1, at the end of line 9, change "board" to "Louisiana Department of Health"

15 AMENDMENT NO. 6
16 On page 1, line 15, after "Forestry;" and before "to provide" insert "to authorize certain institutions to conduct research on marijuana for therapeutic use;"

18 AMENDMENT NO. 7
19 On page 1, line 18, after "(2)(introductory paragraph)," delete the remainder of the line

20 AMENDMENT NO. 8
21 On page 1, line 19, after "(2)," and before "(6)(a)(introductory paragraph)" delete "and" and after "(b)" and before "are hereby" insert a comma ",," and "and (8)(a)(introductory paragraph) and (iii)"

24 AMENDMENT NO. 9
25 On page 3, line 1, delete "either" and at the end of the line change "or practicing" to "through"

27 AMENDMENT NO. 10
28 On page 3, after line 11, delete the remainder of the page and delete page 4 in its entirety and on page 5 delete lines 1 through 16 in their entirety and insert in lieu thereof the following:
29 "G.(1) The Louisiana Board of Pharmacy shall develop an annual, nontransferable specialty license for a pharmacy to dispense recommended

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marijuana for therapeutic use and shall limit the number of such licenses granted in the state to no more than ten licenses. The Louisiana Board of Pharmacy shall develop rules and regulations regarding the geographical locations of dispensing pharmacies in Louisiana. The board shall award a minimum of one license per region, as delineated in Paragraph (2) of this Subsection, and shall award each license through a competitive process.

(2) For the purposes of this Subsection, the regions among which the Louisiana Board of Pharmacy shall allocate marijuana pharmacy licenses shall correspond to the sets of parishes comprising, respectively, the human services districts and authorities established by the provisions of R.S. 28:912 as those districts and authorities existed on July 1, 2022. On and after October 1, 2022, at least one licensed marijuana pharmacy shall be located in each region.

(3) After five thousand active, qualified patients are registered in the prescription monitoring program in a region, the Louisiana Board of Pharmacy shall require the marijuana pharmacy licensee in that region to open one additional marijuana pharmacy location in that region. The board shall license the additional location within three months of the date on which the patient registration threshold provided for in this Paragraph is met.

(4) Following the issuance of a license in a region in accordance with the process provided in Paragraph (3) of this Subsection, if a total of an additional five thousand active, qualified patients are registered in the prescription monitoring program in the region, then the Louisiana Board of Pharmacy may license one additional marijuana pharmacy location in that region. In the issuance of a license as authorized in this Paragraph, the board shall consider any unserved parishes within the region when approving a location for licensure. The provisions of this Paragraph authorizing an additional license in a region shall apply each time that an additional increment of five thousand active, qualified patients registered in the prescription monitoring program is reached in the region.

(5)(a) No marijuana pharmacy shall locate within a fifteen-mile radius of another marijuana pharmacy.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in a region that encompasses any parish with a population of more than three hundred fifty thousand persons according to the most recent federal decennial census, no marijuana pharmacy shall locate within a ten-mile radius of another marijuana pharmacy.

(c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in a region that encompasses any municipality with a population of more than three hundred fifty thousand persons according to the most recent federal decennial census, no marijuana pharmacy shall locate within a five-mile radius of another marijuana pharmacy.

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

AMENDMENT NO. 11

On page 7, delete lines 1 through 3 in their entirety and insert in lieu thereof the following:

"(c) The Louisiana State University Agricultural Center or, the Southern University Agricultural Center, and the University of Louisiana at Monroe may conduct research on marijuana for therapeutic use if the center is licensed as a production facility pursuant to this Section."
AMENDMENT NO. 12
On page 7, line 5, delete "and" and insert a comma ",".

AMENDMENT NO. 13
On page 7, line 6, after "Center" and before "shall" insert a comma "," and "and the University of Louisiana at Monroe".

AMENDMENT NO. 14
On page 7, between lines 20 and 21, insert the following:

"(8)(a) The Louisiana Department of Health shall perform the following:

* * *

(iii) Assess a fee of seven percent of the gross sales of therapeutic marijuana. The fee shall be reported and paid by the licensed production facility or permitted contractor that sells therapeutic marijuana to marijuana pharmacies. The fee that shall be collected by the Department of Revenue and shall be subject to the provisions of Chapter 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 as amended. Notwithstanding the provisions of Subparagraph (b) of this Paragraph, the Department of Revenue shall transfer monthly to the state treasury for deposit into the Community and Family Support System Fund, as established in R.S. 28:826, the amount of revenues collected in accordance with this Item. An amount shall be allocated to the department, pursuant to legislative appropriation, for regulatory, administrative, investigative, enforcement, legal, and other such expenses as may be necessary to carry out the provisions of this Chapter and for activities associated with the enforcement of law and regulations governing the therapeutic marijuana program.

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AMENDMENT NO. 15
On page 7, line 24, delete "by its licensed university".

AMENDMENT NO. 16
On page 8, line 2, delete "and the licensed university".

AMENDMENT NO. 17
On page 9, at the end of line 15, delete "and the licensed university".

AMENDMENT NO. 18
On page 13, line 15, change "LMMTS,“ to "LMMTS,“.

AMENDMENT NO. 19
On page 13, line 23, change "all agents" to "the agent or agents".

AMENDMENT NO. 20
On page 14, at the beginning of line 10, change "Board of Pharmacy." to "Department of Health," and at the end of the line change ""board"." to ""department"."
AMENDMENT NO. 21
On page 14, line 22, change "board," to "department,"

AMENDMENT NO. 22
On page 15, at the end of line 1, change "board" to "department"

AMENDMENT NO. 23
On page 15, at the beginning of line 2, delete "or its designee"

AMENDMENT NO. 24
On page 15, line 5, change "board review." to "review by the department."

AMENDMENT NO. 25
On page 15, at the end of line 10, change "board or its designee." to "department."

AMENDMENT NO. 26
On page 15, at the end of line 15, change "board." to "department."

AMENDMENT NO. 27
On page 15, line 20, change "board" to "department"

AMENDMENT NO. 28
On page 15, line 24, change "board or its designee" to "department"

AMENDMENT NO. 29
On page 16, line 10, change "Board of Pharmacy" to "Department of Health"

AMENDMENT NO. 30
On page 16, at the end of line 19, insert the following:

"The administrative rules of the Louisiana Department of Health shall allow for a variance of no greater than plus fifteen percent or minus fifteen percent from the labeled amount of active ingredients in the ingredient analysis or potency analysis."

AMENDMENT NO. 31
On page 16, line 24, change "a second" to "an"

AMENDMENT NO. 32
On page 16, line 26, change "the second" to "an"

AMENDMENT NO. 33
On page 16, at the end of line 28, change "the second" to "an"

AMENDMENT NO. 34
On page 17, line 6, change "R.S. 40:1046(H)(3)" to "R.S. 40:1046(C)(2)(h) and (H)(3)"

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AMENDMENT NO. 35

On page 17, between lines 14 and 15, insert the following:

"Section 4. To prevent any disruption to the supply chain and to ensure uninterrupted availability of products for patients, if not otherwise provided in this Act, the Louisiana Department of Health shall temporarily follow the applicable rules relative to marijuana for therapeutic use promulgated by the Department of Agriculture and Forestry until such time as it adopts all necessary emergency rules and permanent rules relating to cultivation, extraction, processing, production, and transportation of marijuana for therapeutic use including but not limited to the approval of product labels and packaging."

AMENDMENT NO. 36

On page 17, at the beginning of line 15, change "Section 4." to "Section 5."