

2022 Regular Session

HOUSE BILL NO. 768

BY REPRESENTATIVE MARINO

DRUGS/PRESCRIPTION: Provides for the licensure of therapeutic marijuana pharmacies

1 AN ACT

2 To amend and reenact R.S. 40:1046(G), relative to licensure of therapeutic marijuana  
3 pharmacies; to increase the total number of licenses for such pharmacies; to establish  
4 eligibility criteria for new marijuana pharmacy licenses issued by the Louisiana  
5 Board of Pharmacy; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1046(G) is hereby amended and reenacted to read as follows:

8 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and  
9 regulations of the Louisiana State Board of Medical Examiners and  
10 Louisiana Board of Pharmacy; production facility licensing by the  
11 Department of Agriculture and Forestry

12 \* \* \*

13 G.(1) 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 shall limit the number of such licenses granted in  
16 the state to no more than ~~ten~~ twenty-five licensees. The Louisiana Board of  
17 Pharmacy shall develop rules and regulations regarding the ~~geographical~~ population  
18 distribution for locations of dispensing pharmacies in Louisiana.

1           (2) After August 1, 2022, the Louisiana Board of Pharmacy shall not issue  
2           a marijuana pharmacy license to any applicant who does not meet at least one of the  
3           following criteria:

4           (a) The applicant is a resident of this state and resided in this state for the  
5           entirety of the five-year period immediately preceding the date of his application.

6           (b) The applicant had, for the entirety of the five-year period immediately  
7           preceding the date of his application, an ownership interest of at least fifty-one  
8           percent of the total ownership of the property on which the marijuana pharmacy will  
9           be located.

10           (3) Any licensee receiving a license issued after August 1, 2022, is  
11           prohibited from dispensing any marijuana product for therapeutic use prior to  
12           January 1, 2023.

13           (4) In issuing marijuana pharmacy licenses after August 1, 2022, the  
14           Louisiana Board of Pharmacy shall ensure that at least thirty percent of the total  
15           number of such licenses issued are held by women- or minority-owned businesses.

16                                   \*       \*       \*

17           Section 2. The Louisiana Board of Pharmacy shall begin accepting applications for  
18 marijuana pharmacy licenses authorized by Section 1 of this Act on October 1, 2022.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 768 Engrossed

2022 Regular Session

Marino

**Abstract:** Increases the number of marijuana pharmacy licenses that the La. Board of Pharmacy may issue and provides criteria for the selection of new licensees.

Present law limits the number of specialty marijuana pharmacy licenses that the La. Board of Pharmacy (board) may issue to no more than 10. Proposed law increases this limit from 10 to 25.

Proposed law provides that after Aug. 1, 2022, the board shall not issue a marijuana pharmacy license to any applicant who does not meet at least one of the following criteria:

(1)    The applicant is a resident of this state and resided in this state for the entirety of the five-year period immediately preceding the date of his application.

- (2) The applicant had, for the entirety of the five-year period immediately preceding the date of his application, an ownership interest of at least 51% of the total ownership of the property on which the marijuana pharmacy will be located.

Proposed law stipulates that in issuing marijuana pharmacy licenses after Aug. 1, 2022, the board shall ensure that at least 30% of the total number of such licenses issued are held by women- or minority-owned businesses.

Proposed law requires the board to begin accepting applications for the new marijuana pharmacy licenses authorized by proposed law on Oct. 1, 2022.

(Amends R.S. 40:1046(G))

#### Summary of Amendments Adopted by House

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

1. Make technical and clarifying changes to the criteria provided in proposed law for applicants to whom the board may issue new marijuana pharmacy licenses after Aug. 1, 2022.
2. Delete proposed law prohibiting marijuana pharmacy licensees from selling or transferring their licenses to certain parties; retain present law providing that marijuana pharmacy licenses are nontransferable.
3. Provide that in issuing marijuana pharmacy licenses after Aug. 1, 2022, the board shall ensure that at least 30% of the total number of such licenses issued are held by women- or minority-owned businesses.
4. Require the La. Board of Pharmacy to begin accepting applications for new marijuana pharmacy licenses on Oct. 1, 2022.