

2018 Regular Session

HOUSE BILL NO. 826

BY REPRESENTATIVE HUNTER

PHARMACISTS: Requires that a minimum proportion of the state's marijuana pharmacy licenses be granted to minority-owned businesses

1 AN ACT

2 To amend and reenact R.S. 40:1046(G) and R.S. 40:1046(G) as amended and reenacted by  
3 Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana,  
4 relative to specialty pharmacy licenses for dispensing of medical marijuana; to  
5 provide for duties of the Louisiana Board of Pharmacy in granting such licenses; to  
6 provide relative to the number of such licenses authorized; to require that a minimum  
7 proportion of such licenses be granted to minority business enterprises; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

11 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;  
12 Louisiana Board of Pharmacy and the adoption of rules and regulations  
13 relating to the dispensing of recommended marijuana for therapeutic use; the  
14 Department of Agriculture and Forestry and the licensure of a production  
15 facility

16 \* \* \*

17 G.(1) The Louisiana Board of Pharmacy shall develop an annual,  
18 nontransferable specialty license for a pharmacy to dispense recommended  
19 marijuana for therapeutic use and, except as provided in Paragraph (3) of this  
20 Subsection, shall limit the number of such licenses granted in the state to no more

1 than ten licensees. The ~~Louisiana Board of Pharmacy~~ board shall develop rules and  
2 regulations regarding the geographical locations of dispensing pharmacies in  
3 Louisiana.

4 (2) The Louisiana Board of Pharmacy shall ensure that no fewer than four  
5 of the licenses issued in accordance with this Subsection are granted to minority-  
6 owned businesses that would qualify for designation as minority business enterprises  
7 in accordance with R.S. 39:1951 et seq.

8 (3) If upon the effective date of Paragraph (2) of this Subsection a sufficient  
9 number of marijuana pharmacy licenses have been granted so as to preclude the  
10 issuance of the minimum number of licenses required by that Paragraph, then the  
11 Louisiana Board of Pharmacy shall issue additional licenses above the numerical  
12 limit provided in Paragraph (1) of this Subsection in a number sufficient to ensure  
13 that at least forty percent of all such licences are granted to minority-owned  
14 businesses that would qualify for designation as minority business enterprises in  
15 accordance with R.S. 39:1951 et seq.

16 \* \* \*

17 Section 2. R.S. 40:1046(G) as amended and reenacted by Section 2 of Act No. 96  
18 of the 2016 Regular Session of the Legislature of Louisiana is hereby amended and  
19 reenacted to read as follows:

20 Section 2. R.S. 40:1046 is hereby amended and reenacted to read as follows:

21 §1046. Prescription of marijuana for therapeutic use; rules and regulations;  
22 Louisiana Board of Pharmacy and the adoption of rules and  
23 regulations relating to the dispensing of prescribed marijuana for  
24 therapeutic use; the Department of Agriculture and Forestry and the  
25 licensure of a production facility

26 \* \* \*

27 ~~†G.(1)~~ The Louisiana Board of Pharmacy shall develop an annual,  
28 nontransferable specialty license for a pharmacy to dispense prescribed  
29 marijuana for therapeutic use and, **except as provided in Paragraph (3) of**



**Recommendation of Medical Marijuana**

Present law authorizes physicians in La. to recommend tetrahydrocannabinols (commonly referred to as "medical marijuana"), or chemical derivatives thereof, for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition as defined in present law. Proposed law retains present law.

Present law requires the La. Board of Pharmacy to develop an annual, nontransferable specialty license for a pharmacy to dispense recommended marijuana for therapeutic use, and provides that the number of such licenses granted in the state shall be limited to no more than ten licensees.

Proposed law retains present law and requires the La. Board of Pharmacy to ensure that no fewer than four such licenses are granted to minority-owned businesses that would qualify for designation as minority business enterprises in accordance with present law.

Proposed law stipulates that upon its effective date, if a sufficient number of marijuana dispensing pharmacy licenses have already been granted so as to preclude the issuance of the minimum of four licenses required by proposed law, then the La. Board of Pharmacy shall issue additional licenses above the ten-license limit provided in present law in a number sufficient to ensure that at least 40% of all such licenses are granted to minority-owned businesses.

**Prescription of Medical Marijuana**

Present law authorizes physicians in La. to prescribe, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition as defined in present law if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed. Proposed law retains present law.

Present law requires the La. Board of Pharmacy to develop an annual, nontransferable specialty license for a pharmacy to dispense prescribed marijuana for therapeutic use, and provides that the number of such licenses granted in the state shall be limited to no more than ten licensees.

Proposed law retains present law and requires the La. Board of Pharmacy to ensure that no fewer than four such licenses are granted to minority-owned businesses that would qualify for designation as minority business enterprises in accordance with present law.

Proposed law stipulates that upon its effective date, if a sufficient number of marijuana dispensing pharmacy licenses have already been granted so as to preclude the issuance of the minimum of four licenses required by proposed law, then the La. Board of Pharmacy shall issue additional licenses above the ten-license limit provided in present law in a number sufficient to ensure that at least 40% of all such licenses are granted to minority-owned businesses.

**Effective Date**

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1046(G) and R.S. 40:1046(G) as amended and reenacted by §2 of Act No. 96 of 2016 R.S.)