

2018 Regular Session

HOUSE BILL NO. 826

BY REPRESENTATIVES HUNTER, BAGLEY, COX, AND DUSTIN MILLER

PHARMACISTS: Provides relative to specialty pharmacy licenses for marijuana dispensing pharmacies

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; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;
11 Louisiana Board of Pharmacy and the adoption of rules and regulations
12 relating to the dispensing of recommended marijuana for therapeutic use; the
13 Department of Agriculture and Forestry and the licensure of a production
14 facility

15 * * *

16 G.(1) The Louisiana Board of Pharmacy shall develop an annual,
17 nontransferable specialty license for a pharmacy to dispense recommended
18 marijuana for therapeutic use ~~and shall limit the number of such licenses granted in~~
19 ~~the state to no more than ten licensees.~~ The Louisiana Board of Pharmacy board

1 shall develop rules and regulations regarding the geographical locations of
2 dispensing pharmacies in Louisiana.

3 (2) No person shall be eligible for a specialty license provided for in this
4 Subsection unless he is a pharmacist licensed by the board.

5 (3) The board shall establish financial stability requirements for each entity
6 awarded a license pursuant to this Subsection. At minimum, such requirements shall
7 include depositing into an escrow account, within ninety days of the award of the
8 license, a minimum amount as surety.

9 (4) The board shall report to the House and Senate committees on health and
10 welfare annually all of the following information:

11 (a) The total number of applications for licenses provided for in this
12 Subsection.

13 (b) The number of applications for licenses provided for in this Subsection
14 approved by the board.

15 (c) The number of applications for licenses provided for in this Subsection
16 denied by the board.

17 (d) Demographic information concerning applicants including but not
18 limited to age and race.

19 (5) No person who holds a license issued in accordance with this Subsection
20 on the effective date of this Paragraph shall be eligible for renewal of that license
21 unless the majority stake of the marijuana dispensing pharmacy that he operates is
22 owned by a Louisiana-licensed pharmacist.

23 * * *

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

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

28 §1046. Prescription of marijuana for therapeutic use; rules and regulations;

29 Louisiana Board of Pharmacy and the adoption of rules and

1 regulations relating to the dispensing of prescribed marijuana for
2 therapeutic use; the Department of Agriculture and Forestry and the
3 licensure of a production facility

4 * * *

5 ~~±G.(1)~~ The Louisiana Board of Pharmacy shall develop an annual,
6 nontransferable specialty license for a pharmacy to dispense prescribed
7 marijuana for therapeutic use and, **except as provided in Paragraph (3) of**
8 **this Subsection,** shall limit the number of such licenses granted in the state
9 to no more than ten licensees. The ~~Louisiana Board of Pharmacy~~ **board** shall
10 develop rules and regulations regarding the geographical locations of
11 dispensing pharmacies in Louisiana.

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

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

25 * * *

26 Section 3. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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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)]

HB 826 Engrossed

2018 Regular Session

Hunter

Abstract: Provides relative to specialty pharmacy licenses for marijuana dispensing pharmacies.

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, referred to hereafter as the "board", 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 repeals present law limiting the number of such licenses to ten.

Proposed law stipulates that no person shall be eligible for a marijuana dispensing pharmacy license unless he is a board-licensed pharmacist.

Proposed law requires the board to establish financial stability requirements for each entity awarded a marijuana dispensing pharmacy license.

Proposed law requires the board to report to the legislative committees on health and welfare annually all of the following information:

- (1) The total number of applications for marijuana dispensing pharmacy licenses.
- (2) The number of applications for marijuana dispensing pharmacy licenses approved by the board.
- (3) The number of applications for marijuana dispensing pharmacy licenses denied by the board.
- (4) Demographic information concerning applicants including but not limited to age and race.

Proposed law stipulates that no person who holds a marijuana dispensing pharmacy license upon the effective date of proposed law shall be eligible to renew such license unless the majority stake of the marijuana dispensing pharmacy that he operates is owned by a board-licensed pharmacist.

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.)

Summary of Amendments Adopted by House

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

1. Provide all of the following with respect to present law and proposed law relative to recommendation of marijuana for therapeutic use:
 - a. Delete present law limiting to ten the number of marijuana dispensing pharmacy licenses available from the La. Board of Pharmacy, referred to hereafter as the "board".
 - b. Delete proposed law requiring the board to ensure that a certain proportion of marijuana dispensing pharmacy licenses are granted to minority-owned business enterprises.
 - c. Stipulate that no person shall be eligible for a marijuana dispensing pharmacy license unless he is a board-licensed pharmacist.
 - d. Require the board to establish financial stability requirements for each entity awarded a marijuana dispensing pharmacy license.
 - e. Require the board to report to the legislative committees on health and welfare annually all of the following information:
 - (i) The total number of applications for marijuana dispensing pharmacy licenses.
 - (ii) The number of applications for marijuana dispensing pharmacy licenses approved by the board.

- (iii) The number of applications for marijuana dispensing pharmacy licenses denied by the board.
 - (iv) Demographic information concerning applicants including but not limited to age and race.
- f. Stipulate that no person who holds a marijuana dispensing pharmacy license upon the effective date of proposed law shall be eligible to renew such license unless the majority stake of the marijuana dispensing pharmacy that he operates is owned by a board-licensed pharmacist.