

2023 Regular Session

HOUSE BILL NO. 460

BY REPRESENTATIVE ROBERT OWEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAL MARIJUANA: Provides relative to the dispensing of medical marijuana

1 AN ACT

2 To amend and reenact R.S. 40:1046(G)(3)(a) through (c) and (e), (6)(a) through (c), and (8)
3 and to enact R.S. 40:1046(G)(9), relative to the distribution of marijuana for
4 therapeutic use; to provide relative to permitting and regulation of marijuana
5 pharmacies by the Louisiana Board of Pharmacy; to provide suitability requirements
6 for persons associated with a pharmacy licensed to dispense recommended marijuana
7 for therapeutic use; to provide for an effective date; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1046(G)(3)(a) through (c), and (e), (6)(a) through (c), and (8) are
11 hereby amended and reenacted and R.S. 40:1046(G)(9) is hereby enacted to read as follows:

12 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
13 regulations of the Louisiana Board of Pharmacy; production facility
14 licensing; permitting by the Louisiana Department of Health

15 * * *

16 G.(1)

17 * * *

18 (3)(a) After three thousand five hundred active, qualified patients are
19 identified in the prescription monitoring program in a region, the Louisiana Board
20 of Pharmacy shall notify and allow the marijuana pharmacy licensee in that region

1 to open one additional marijuana pharmacy location as a satellite location in that
2 region. For the purposes of this Paragraph, "satellite location" shall mean an
3 additional marijuana pharmacy location operated by a marijuana pharmacy licensee
4 within the licensee's geographic region but physically separate from the location of
5 the originally licensed therapeutic marijuana pharmacy.

6 (b) ~~If the marijuana pharmacy licensee opens a satellite location pursuant to~~
7 ~~Subparagraph (a) of this Paragraph and the original location and the satellite location~~
8 ~~are each found to be serving three thousand five hundred active, qualified patients,~~
9 After seven thousand active, qualified patients are identified in the prescription
10 monitoring program in a region then the Louisiana Board of Pharmacy shall notify
11 and allow the marijuana pharmacy licensee in that region to open one additional
12 marijuana pharmacy location as a second satellite location in that region.

13 (c) The licensee shall submit an application to open a satellite location
14 provided for in this Paragraph within ninety days of the notification informing the
15 licensee of his eligibility to open a satellite location. The satellite location shall be
16 operational within three hundred ten days of the approval of the application by the
17 Louisiana Board of Pharmacy. If a marijuana pharmacy licensee declines to open
18 a ~~second~~ satellite location pursuant to Subparagraph (a) or (b) of this Paragraph, then
19 the Louisiana Board of Pharmacy may issue, pursuant to the provisions of Paragraph
20 (1) of this Subsection, an additional marijuana pharmacy license in that region to
21 open one marijuana pharmacy location in lieu of the original licensee's ~~second~~
22 satellite location in that region.

23 * * *

24 (e) For the purposes of this Paragraph, the active, qualified patient count
25 shall be conducted ~~on or after August 1 of each year~~ and reviewed on a quarterly
26 basis using the preceding ~~twelve-month~~ three-month period of August 1 through July
27 31.

28 * * *

1 (6)(a) No marijuana pharmacy shall locate within a fifteen-mile radius of
2 another license holder's marijuana pharmacy.

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

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

13 * * *

14 (8) For purposes of this Subsection, "active, qualified patient" means a
15 patient ~~that~~ who has acquired a therapeutic marijuana product at least once ~~in the~~
16 ~~preceding twelve-month period of August 1 through July 31.~~

17 (9) The holder of a pharmacy permit that has been issued a specialty license
18 to dispense recommended marijuana for therapeutic use shall notify the Louisiana
19 Board of Pharmacy, in writing, prior to a transfer of ownership, in order for the board
20 to complete an inspection of the pharmacy premises and conduct necessary criminal
21 background checks. A new application shall be filed and a new permit number shall
22 be obtained when a change in the identity of the natural person, partnership, or
23 business entity which directly holds the permit has occurred or there is a change in
24 the person or entity's Federal Employer Identification Number. The new owner shall
25 submit an application to the board office at least fifteen days before closing the
26 transfer of ownership interests of the business.

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

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 460 Engrossed

2023 Regular Session

Robert Owen

Abstract: Provides for the permitting and licensing of marijuana pharmacies.

Present law authorizes a marijuana pharmacy license holder to open a satellite pharmacy once the active patient count at the primary pharmacy reaches 3,500. Once the active patient count at both the primary pharmacy and the first satellite pharmacy both reaches 3,500, the license holder for that region is allowed to open a second satellite location.

Proposed law authorizes the license holder of marijuana pharmacy in a region to open the first satellite pharmacy once the primary pharmacy reaches 3,500. The license holder may open a second pharmacy when the active patient count reaches 7,000 for the region.

Proposed law requires the La. Board of Pharmacy to notify a license holder once he has reached the appropriate active patient count to open a first and second satellite pharmacy.

Proposed law provides that a license holder eligible to open a satellite pharmacy shall submit an application with the La. Board of Pharmacy within 90 days of notification of eligibility to exercise the option to open a satellite pharmacy. The satellite pharmacy must be operational within 310 days from the date of notification of eligibility.

Present law provides that no marijuana pharmacy shall be located within a 15-mile radius of another marijuana pharmacy.

Proposed law changes present law by providing that no marijuana pharmacy shall be located within a 15-mile radius of another license holder's marijuana pharmacy.

Present law directs the calculation of active patient counts once in a 12-month period using the preceding year from August 1st through July 31st.

Proposed law directs the calculation of active patient counts quarterly using the preceding three-month period.

Present law defines an active, qualified patient as a patient that has acquired therapeutic marijuana once in the preceding 12-month period from August 1st to July 31st.

Proposed law defines an active, qualified patient as a patient that has acquired therapeutic marijuana once.

Proposed law requires a marijuana pharmacy permit holder to notify the La. State Board of Pharmacy by application at least 15 days prior to the transfer of ownership of a marijuana pharmacy to the permit holder. Prior to the transfer, the La. Board of Pharmacy shall inspect the pharmacy and conduct the necessary background checks. A new application shall be filed by the permit holder each time identity of the natural person, partnership, or business

entity which directly holds the permit has occurred or there is a change in the person or entity's Federal Employer Identification Number.

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

(Amends R.S. 40:1046(G)(3)(a)-(c), and (e), (6)(a)-(c), and (8); Adds R.S. 40:1046(G)(9))

Summary of Amendments Adopted by House

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

1. Make technical corrections.