

Final Rule

Department of Health Board of Pharmacy

Marijuana Pharmacies (LAC 46:LIII.2441, 2443, 2457)

In accordance with the provisions of the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) and the Pharmacy Practice Act (La. R.S. 37:1161 *et seq.*), the Louisiana Board of Pharmacy has amended §2441, §2443, and §2457 of its rules for marijuana pharmacies. The amendments for §2441 will amend the definition of advertising so as to permit the dissemination of educational information about marijuana products; it will also update the definition of marijuana to conform to the current statutory definition. The amendments for §2443 will repeal the limits on the amount of tetrahydrocannabinol (THC) in the dosage form and the packaging for marijuana products, and will also require the inclusion of a product identification code on the label of a marijuana product. The amendments for §2457 will remove the requirements for the physician recommendation to exist in written form and will add the requirement for the patient's debilitating medical condition to be recorded on the recommendation. This Rule is hereby adopted on the day of promulgation.

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2441. Definitions

- A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section:

* * *

Advertisement – all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of marijuana, excluding information of an educational nature designed to inform citizens of the nature and form of the state’s therapeutic marijuana program and its legally permitted products.

* * *

Marijuana – all parts of plants of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination, or cannabidiol when contained in a drug product approved by the United States Food and Drug Administration.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1538 (August 2017), amended LR 45:1473 (October 2019).

§2443. Marijuana Products

A. – C.3. ...

D. Packaging and Labeling Requirements.

1. Packaging.

a. – a.iii. ...

b. Repealed.

c. Repealed.

d. – e.v. ...

2. Labeling.

a. – a.vii. ...

viii. A product identification code registered with the board.

D.2.b. – E.4.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1540 (August 2017), amended LR 45:1473 (October 2019).

§2457. Standards of Practice

A. – C.2.a. ...

D. Recordkeeping Requirements

1. Prescription/recommendation/order (hereinafter, “request”) for Marijuana

a. – c. Repealed.

d. ...

e. The request shall identify the physician issuing the request as well as the person and the person’s debilitating medical condition for which the marijuana product is intended.

- 2. – 6. ...
- E. Professional Practice Standards
 - 1. ...
 - 2. Labeling of Marijuana Product Dispensed
 - a. – b.viii. ...
 - ix. Directions for use of the product;
 - 2.b.x. – 5.e.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017), amended LR 45:1473 (October 2019).