

DECLARATION OF EMERGENCY

Department of Health

Board of Pharmacy

Marijuana Recommendations – LAC 46:LIII.2457

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953(B), to amend one section of its rules for marijuana pharmacies relative to recordkeeping requirements as well as professional practice standards relative to recommendations for therapeutic marijuana.

Act 286 of the 2020 Legislature made several significant changes to the state medical marijuana law (R.S. 40:1046) including changes in the eligibility of physicians authorized to issue recommendations for therapeutic marijuana as well as the removal of the authority for the Louisiana State Board of Medical Examiners to promulgate rules relative to physicians issuing marijuana recommendations.

Prior to the August 1, 2020 effective date of the act, rules had been promulgated by the Louisiana State Board of Medical Examiners and the Louisiana Board of Pharmacy to govern the issuance, receipt, and processing of marijuana recommendations. With the removal of the authority of the Board of Medical Examiners to promulgate rules relative to physicians issuing marijuana recommendations, the Board of Pharmacy has determined it necessary to amend its rules for marijuana recommendations to provide the regulatory structure necessary to properly administer the state medical marijuana law at R.S. 40:1046. Given the significant and beneficial impact of therapeutic marijuana on the health of patients using such treatment, the Board of Pharmacy has determined this emergency rule is necessary to prevent imminent peril to the public health, safety, and welfare. The emergency rule shall become effective on August 1, 2020 and shall remain in effect for 120 days unless extended or rescinded.

Malcolm J. Broussard

Executive Director

Louisiana Board of Pharmacy