



Louisiana Board of Pharmacy

3388 Brentwood Drive
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October 7, 2020

Senator P. Page Cortez
President, Louisiana Senate
Via Email: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Report No. 1 of 3 for Regulatory Project 2020-8 ~ Marijuana Recommendations

Dear Senator Cortez:

The Board has initiated the rulemaking process to amend its rules for marijuana pharmacies to incorporate recent changes in the medical marijuana law from Act 286 of the 2020 Legislature. When that law became effective on August 1, previously promulgated rules from the state medical board governing the issuance of marijuana recommendations by physicians were voided. The Board proposes to amend its rules to provide the regulatory structure needed to maintain the statewide medical marijuana program. The Occupational Licensing Review Commission approved the initiation of this project during their September 10 meeting. In connection with this regulatory project, the following items are enclosed:

- Notice of Intent Page 2
- Text of Proposed Rule Page 2
- Family Impact Statement Page 4
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- Small Business Analysis Page 5
- Provider Impact Statement Page 5
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- Fiscal & Economic Impact Statement Page 7
- Act 286 of 2020 Legislature Page 11

As indicated in the solicitation, we will convene a public hearing on November 25, 2020 to receive public comments and testimony on this proposed rule. We will summarize those comments and our responses thereto in our next report to you. In the event you have any questions or need additional information about this project, please contact me directly at mbroussard@pharmacy.la.gov or 225.925.6481.

For the Board:

Malcolm J. Broussard
Executive Director

- cc: Chair, Senate Health & Welfare Committee
Via Email: APA.S-H&W@legis.la.gov
- Speaker, House of Representatives
Via Email: APA.HouseSpeaker@legis.la.gov
- Chair, House Health & Welfare Committee
Via Email: APA.H-HW@legis.la.gov
- Director, Community Outreach Services, La. Economic Development
Via Email: Pat.Witty@la.gov
- Editor, *Louisiana Register*
Via Email: Reg.Submission@la.gov
- Reference File

NOTICE OF INTENT

Department of Health Board of Pharmacy

Marijuana Recommendations (LAC 46:LIII.2457)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend two subsections of Section 2457 of its rules for marijuana pharmacies. Act 286 of the 2020 Legislature amended the state medical marijuana law in several respects necessitating changes in the board's rules. The proposed changes in Subsection D for recordkeeping requirements include a repeal of the existing Paragraph 1 referencing a recommendation as an order, a technical change in the re-numbered Paragraph 1, and a clarification of an inventory recordkeeping requirement in the re-numbered Paragraph 3. The proposed changes in Subsection E for professional practice standards include a new Paragraph 1 with the current paragraphs re-numbered sequentially. Within Paragraph 1, Subparagraph (a) permits a marijuana pharmacy to accept a recommendation from a physician in possession of a current and unrestricted license to practice medicine as well as a current state controlled substance license with privileges for Schedule I. The subparagraph also requires the pharmacy to accept the recommendation directly from the physician either through electronic prescriptions or through facsimile. Subparagraph (b) identifies the information which shall be disclosed within the recommendation. Subparagraph (c) expires a recommendation one year after the date of issue unless a shorter period of time is specified by the physician; and further, permits a pharmacist to dispense products one or more times prior to the expiration date but limits the dispensing to a maximum of a 90-day supply in a single dispensing and a maximum of a one-year supply pursuant to a single recommendation. The proposed change in the re-numbered Paragraph 4 clarifies the requirement for the pharmacist to comply with standards for drug utilization review and patient counseling. The proposed changes in the re-numbered Paragraph 6 remove the prohibition on the return of marijuana product inventory to the marijuana producer as well as the additional requirement to record product disposal in the Louisiana Medical Marijuana Tracking System (LMMTS).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2457. Standards of Practice

A. – C.2.a. ...

D. Recordkeeping Requirements

~~1. Prescription/recommendation/order (hereinafter, "request") for Marijuana~~

~~a. A request generated, signed, and transmitted in electronic format which is compliant with the standards for electronic prescribing of controlled substances identified in 21 CFR 1311 (or its successor) shall be construed as a validly formatted request.~~

~~b. The request shall identify the physician issuing the request as well as the person's debilitating medical condition for which the marijuana product is intended. Paragraph 1 repealed~~

~~2~~ 1. When the pharmacy receives a request for marijuana from a recommending physician in written form, the pharmacist shall cause the form to be scanned and filed using an electronic imaging system in compliance with § Section 1123 of this Part.

~~3~~ 2. Request forms (and electronic images thereof) shall be retained on the pharmacy's premises for at least two years after the date of dispensing, and further, shall be readily retrievable upon request by the board.

~~4~~ 3. Inventory of Marijuana Product

a. The pharmacist-in-charge shall develop and maintain a perpetual inventory of all marijuana products acquired, held, dispensed, and disposed by the pharmacy.

b. The pharmacy shall access the LMMTS and enter all ~~inventory-related~~ acquisitions and product transfer transactions in that system.

c. In the event the pharmacist-in-charge designates an agent to retrieve new marijuana product inventory from the production facility, the pharmacist shall verify the agent is at least 21 years of age and is eligible to drive on public roadways.

d. The pharmacist-in-charge shall conduct an annual inventory of all marijuana products in the possession of the pharmacy on any date which is within one year of the previous annual inventory, and further, shall conduct additional inventory counts on the following occasions:

- i. arrival of a new pharmacist-in-charge;
- ii. discovery of any significant loss, disappearance, or theft of marijuana product;
- iii. departure of a new pharmacist-in-charge; and
- iv. permanent closure of the pharmacy.

e. Inventory records shall be retained on the pharmacy's premises for at least two years after the most recent entry.

§ 4. The pharmacy shall develop and maintain sufficient records to fully reveal the business transactions related to marijuana products, including their procurement and sale, for the current tax year as well as the two immediately preceding tax years, all of which shall be made available to the board upon request.

§ 5. The board may require any pharmacy or its owners to furnish such information as the board considers necessary for the proper administration of R.S. 40:1046, and may require a financial audit of the business of any marijuana pharmacy, and the expense thereof shall be paid by the marijuana pharmacy.

E. Professional Practice Standards

1. Recommendation/opinion/referral (hereinafter, "request") for Therapeutic Marijuana

a. The pharmacist may accept any request for a marijuana product which has been:

i. Issued by a physician in possession of a current and unrestricted license to practice medicine from the Louisiana State Board of Medical Examiners as well as a current and unrestricted state controlled substance license with therapeutic marijuana privileges from the board; and

ii. Received directly from the physician and not from the patient or any third party other than the entity transmitting the request, either by electronic means conforming with the provisions of 21 CFR 1311 or its successor, or in the alternative, by facsimile bearing a handwritten or digital signature of the physician.

b. The request shall disclose the following information, at a minimum:

i. Name, address, telephone number, and national provider identifier (NPI) number of the physician issuing the request;

ii. Name, address, and date of birth (or age) of the patient for whom the request was issued;

iii. Identification of the debilitating medical condition for which the treatment has been requested;

iv. Treatment requested;

v. Date request was issued;

vi. Self-certification the physician holds a current and unrestricted license to practice medicine issued by the Louisiana State Board of Medical Examiners; and

vii. Signature of the physician issuing the recommendation, excluding any proxy or agent.

c. Requests for marijuana products shall expire one year after the date of issue, unless a shorter period of time is indicated by the physician. A pharmacist may dispense marijuana product on multiple occasions as indicated by the physician and needed by the patient until the request expires; however, the pharmacist shall not dispense more than a 90-day supply of marijuana product at

one time nor more than a one-year supply of marijuana product pursuant to a single request. A pharmacist shall not dispense marijuana product pursuant to an expired request.

4 2. Prior to dispensing any marijuana product to a patient, the pharmacist shall review the patient's records in the state prescription monitoring program. The pharmacist shall resolve any concerns identified in that review by consultation with the recommending physician.

2 3. Labeling of Marijuana Product Dispensed

- a. The pharmacist shall not dispense any marijuana product that does not bear the producer label required by the LDAF, and further, the pharmacy dispensing label shall not overlay or obscure the producer label in any way.
- b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:
 - i. Name and address of the pharmacy dispensing the product;
 - ii. Telephone number or other contact information of the pharmacy dispensing the product;
 - iii. Name of the recommending physician;
 - iv. Name of the patient;
 - v. Date the product was dispensed;
 - vi. Prescription number, which shall be a unique identifier for that specific transaction;
 - vii. Name of the marijuana product, including any concentration, strength, or other identifiers of the marijuana product;
 - viii. Quantity of marijuana dispensed;
 - ix. Directions for use of the product;
 - x. Expiration date of the product, which shall not exceed the expiration date determined by the producer of the product; and
 - xi. Other information selected by the dispensing pharmacist to inform the patient as to the best use of the product for the intended purpose.

3 4. The pharmacist shall ~~perform prospective drug utilization review and shall counsel every patient receiving marijuana product every time it is dispensed, in compliance~~ comply with the rules on drug utilization review and patient counseling in Chapter 5 of this Part.

4 5. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with the reporting requirements as found in Chapter 29 of this Part.

5 6. Disposal of Marijuana Product.

a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is determined to be misbranded, adulterated, expired, deteriorated, undesired, excess, unauthorized, or unfit for dispensing; ~~however, once accepted by the pharmacy, no marijuana product may be returned to any producer.~~

b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the product shall be removed from active dispensing stock and quarantined in the pharmacy pending its disposal, ~~and further, the removal from active dispensing stock shall be recorded in the LMMTS.~~

c. – 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), LR

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment reduces the recordkeeping and reporting requirements related to marijuana product inventory and disposal transactions.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. There are no proposed changes related to scheduling or deadlines.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment simplifies recordkeeping requirements for marijuana product inventory as well as product disposal.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. There are no design and operational standards in the proposed Rule amendments.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule amendment will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:00 am on Wednesday, November 25, 2020. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Marijuana Recommendations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$5,000 in FY 21. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed rule changes clarify eligibility requirements for physicians issuing recommendations for therapeutic marijuana and specify the minimum content and expiration date of marijuana recommendations as well as the method of transmission of such recommendations to marijuana pharmacies. The proposed changes specify the limitations on the quantity of marijuana products that may be dispensed in marijuana pharmacies pursuant to marijuana recommendations. The proposed changes reduce some redundant recordkeeping requirements in marijuana pharmacies and make other technical changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes expands the number of physicians authorized to issue marijuana recommendations and reduces the number of credentials required for them to issue such recommendations. The proposed rule changes also reduce some redundant recordkeeping requirements in marijuana

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

Person Preparing Statement:	Malcolm J. Broussard Executive Director	Dept.:	Dept. of Health
Telephone:	225.925.6481	Office:	Board of Pharmacy
Return Address:	3388 Brentwood Drive Baton Rouge, LA 70809	Title:	Marijuana Recommendations
		Effective Date of Rule:	Upon promulgation March 1, 2021 (est.)

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, 1 THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$6,000 in FY 21. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed rule changes clarify eligibility requirements for physicians issuing recommendations for therapeutic marijuana and specify the minimum content and expiration date of marijuana recommendations as well as the method of transmission of such recommendations to marijuana pharmacies. The proposed changes specify the limitations on the quantity of marijuana products that may be dispensed in marijuana pharmacies pursuant to marijuana recommendations. The proposed changes reduce some redundant recordkeeping requirements in marijuana pharmacies and make other technical changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule changes expands the number of physicians authorized to issue marijuana recommendations and reduces the number of credentials required for them to issue such recommendations. The proposed rule changes also reduce some redundant recordkeeping requirements in marijuana pharmacies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

Malcolm J. Broussard
Digitally signed by Malcolm J. Broussard
Date: 2020.10.07 10:50:27 -05'00'


Legislative Fiscal Officer or Designee

Malcolm J. Broussard, Executive Director
Typed Name and Title of Agency Head

10/7/20
Date of Signature

October 7, 2020
Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule changes clarify eligibility requirements for physicians issuing recommendations for therapeutic marijuana and specify the minimum content and expiration date of marijuana recommendations as well as the method of transmission of such recommendations to marijuana pharmacies. The proposed changes specify the limitations on the quantity of marijuana products that may be dispensed in marijuana pharmacies pursuant to marijuana recommendations. The proposed changes reduce some redundant recordkeeping requirements in marijuana pharmacies and make other technical changes. A copy of the notice of intent and proposed rule changes are appended.

B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Act 286 of the 2020 Legislature made several significant changes to the state medical marijuana law 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 recommendations for therapeutic marijuana. A copy of the act is appended.

Prior to the August 1, 2020 effective date of the act, rules had been promulgated by the medical board and LBP to govern the issuance and receipt of marijuana recommendations. With the removal of the medical board's authority to promulgate rules relative to marijuana recommendations, the LBP has determined it appropriate to amend its rules to provide the regulatory structure necessary to properly administer R.S. 40:1046.

C. Compliance with Act 11 of the 1986 First Extraordinary Session

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

LBP has allocated \$5,000 for printing the Notice of Intent and the Rule. LBP operates on self-generated funds.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) _____ Yes. If yes, attach documentation.
 (b) No No. If no, provide justification as to why this rule change should be published at this time

LBP operates on self-generated funds, and they have determined the proposed rule changes are in the public's best interest.

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 21	FY 22	FY 23
Personal Services			
Operating Expenses	\$ 5,000	\$ 0	\$ 0
Professional Services			
Other Charges			
Equipment			
Major Repairs & Constr.			
TOTAL	\$ 5,000	\$ 0	\$ 0
POSITIONS (#)			

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

The proposed changes will require LBP to print the Notice of Intent and Rule in the state register at a cost of \$5,000 in FY 21. There will be no additional expenditures or cost savings for LBP.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 21	FY 22	FY 23
State General Fund			
Agency Self-Generated Dedicated	\$ 5,000	\$ 0	\$ 0
Federal Funds			
Other (Specify)			
TOTAL	\$ 5,000	\$ 0	\$ 0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

LBP has sufficient self-generated funds available to implement the proposed rule changes.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

- Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.
- Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

SOURCE	FY 21	FY 22	FY 23
State General Fund			
Agency Self-Generated Dedicated			
Federal Funds			
Other (Specify)			
TOTAL	None	None	None

The proposed rule changes do not impact local governmental units.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed rule changes will not affect the revenue collections for state or local governmental units.

REVENUE INCREASE/DECREASE	FY 21	FY 22	FY 23
State General Fund			
Agency Self-Generated			
Dedicated Funds*			
Federal Funds			
Local Funds			
TOTAL	None	None	None

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs,

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET
including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule changes will affect physicians who issue recommendations for therapeutic marijuana. Physicians licensed by the Louisiana State Board of Medical Examiners will no longer need a separate therapeutic marijuana registration from that board. Those physicians not already in possession of a state controlled substance license with Schedule I privileges for therapeutic marijuana will need to request that modification from LBP; there is no fee for that service. Physicians issuing marijuana recommendations will transmit such recommendations directly to marijuana pharmacies using electronic prescribing software, or in the alternative, by facsimile.

The proposed rule changes will affect marijuana pharmacies by reducing redundant recordkeeping requirements for marijuana products. Other proposed changes place limitations on the quantity of therapeutic marijuana products that may be dispensed by marijuana pharmacies pursuant to marijuana recommendations.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule changes will have no effect on receipts or revenue.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule changes will not affect competition or employment.

ACT No. 286

2020 Regular Session

HOUSE BILL NO. 819

BY REPRESENTATIVES BAGLEY, ADAMS, BRASS, BROWN, BRYANT, CARPENTER, GARY CARTER, WILFORD CARTER, CORMIER, COX, DUPLESSIS, FREEMAN, GREEN, HUGHES, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, LACOMBE, LARVADAIN, LYONS, MARINO, SELDERS, STAGNI, AND WILLARD

1 AN ACT

2 To amend and reenact R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4) and (F), to enact R.S.
3 40:1046(A)(2)(a)(xvii) through (xxii), and to repeal R.S. 40:1046(B), relative to
4 recommendation by physicians of marijuana for therapeutic use, known commonly
5 as medical marijuana; to provide relative to the authorization for physicians to
6 recommend medical marijuana; to provide for medical conditions which qualify a
7 patient for treatment with medical marijuana; to authorize the recommendation of
8 medical marijuana by a physician in treating certain specified conditions and any
9 other medical condition that he is qualified to treat; to require dispensing pharmacies
10 to record dispensed medical marijuana in the prescription monitoring program
11 database; to repeal requirements for the Louisiana State Board of Medical Examiners
12 to issue rules and regulations concerning the recommendation of medical marijuana
13 by physicians; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 40:1046(A)(1), (2)(a)(iii), (3), and (4) and (F) are hereby amended
16 and reenacted and R.S. 40:1046(A)(2)(a)(xvii) through (xxii) are hereby enacted to read as
17 follows:

