

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Dispensary Pharmacy

§2500. Preamble; Warning; Consultation Suggested

- A. Pursuant to Act 261 of the Regular Session of the 2015 Louisiana Legislature, the Louisiana Board of Pharmacy was directed to:
 - 1. Adopt rules relating to the dispensing of prescribed marijuana for therapeutic use no later than December 1, 2016;
 - 2. Develop an annual, nontransferable specialty license for a pharmacy to dispense prescribed marijuana for therapeutic use, to limit the number of such licenses to a maximum of ten, and to adopt rules regarding the geographical locations of dispensing pharmacies in the state; and
 - 3. Submit a report to the legislature no later than January 1, 2016 with recommendations on possible fee amounts relative to the provisions of the law.
- B. Marijuana is classified as a Schedule I controlled substance by the U.S. Department of Justice, Drug Enforcement Administration.
 - 1. As provided by the federal Controlled Substances Act, the procurement, possession, prescribing, distribution, dispensing, or administering of any Schedule I controlled substance, including marijuana, is a violation of federal law.
 - 2. Neither Louisiana law nor the board’s rules can preempt federal law. Therefore, the provisions of this Subchapter notwithstanding, persons engaged in the activities described herein remain subject to the full force of federal law enforcement, including arrest and prosecution of criminal charges, the assessment of civil fines and forfeitures, as well as administrative consequences such as forfeiture of federal controlled substance registrations and exclusion from Medicare and other federal payer programs.
- C. For the foregoing reasons, pharmacists and other persons credentialed by the board may wish to consult with their own legal counsel as well as any health care facility, private or governmental payor with which they are affiliated, professional malpractice insurers, and financial institutions with which they maintain depository relationships before engaging in the activities described herein.

§2500. Purpose

- A. The purpose of this Subchapter of rules is to establish standards for the dispensing of marijuana for therapeutic purposes.

§2500. Definitions

- A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section:
 - “*Abuse of drugs*” means the use of controlled substances solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent prescribed in the course of medical treatment or in a program of research operated under the direction of a physician or pharmacologist.
 - “*Act*” means Act 261 of the Regular Session of the 2015 Louisiana Legislature.
 - “*Administer*” means the direct application of marijuana to the body of a qualifying patient by inhalation, ingestion or any other means.

- 52 “*Advertisement*” means all representations disseminated in any manner or by any means, other than by
53 labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase
54 of marijuana;
- 55 “*Agent*” means an authorized person who acts on behalf of or at the direction of another person. It does
56 not include a common or contract carrier, public warehouseman, or employee of the carrier or
57 warehouseman;
- 58 “*Approved safe*” means any safe(s) that has been approved prior to January 1, 1975 or any safe(s)
59 which conforms to or exceeds all of the following standards:
- 60 (1) Underwriters Laboratories, Inc. certified with a minimum of a B Burglary Rate;
- 61 (2) Underwriters Laboratories, Inc. certification as being equipped with a relocking device;
- 62 (3) Weight of 750 pounds or more or rendered immobile by being securely anchored to a
63 permanent structure of the building; and
- 64 (4) Adequate interior space to store all controlled substances required to be kept within;
- 65 “*Approved vault*” means a vault approved prior to January 1, 1975 or a vault constructed after January
66 1, 1975 and meeting the following specifications or equivalent:
- 67 (1) Walls, floors, and ceilings constructed of at least 8 inches of reinforced concrete or other
68 substantial masonry, reinforced vertically and horizontally with 1/2 inch steel rods tied 6 inches on
69 center, or the structural equivalent to such reinforced walls, floors, and ceilings.
- 70 (2) The door of the vault shall contain a multiple-position combination lock or the equivalent, a
71 relocking device or equivalent and steel plate with a thickness of at least 1/2 inch. (The GSA Class
72 5 rated steel door meets all the qualifications for the vault door.)
- 73 (3) If operations require it to remain open for frequent access, the vault shall be equipped with a
74 “day gate” which is self-closing and self-locking or the equivalent. If the operation requires only
75 that the vault be opened infrequently, such as to remove raw material in the morning and return
76 raw material at night, and is always relocked immediately after use, a “day gate” is not required.
- 77 (4) The walls, floor, and ceiling of the vault shall be equipped with an alarm which, when
78 unauthorized entry is attempted, transmits a signal directly to a central station protection company,
79 or a local or state police agency which has a legal responsibility to respond, or a 24-hour control
80 station operated by the registrant. If necessary, due to local conditions or other problems, holdup
81 buttons shall be placed at strategic points of entry to the perimeter area of the vault.
- 82 (5) The vault door shall be equipped with a contact switch.
- 83 (6) The vault shall have at least one of the following:
- 84 a. Complete electrical lacing of the walls, floor and ceiling or
- 85 b. Sensitive ultrasonic equipment within the vault or
- 86 c. A sensitive sound accumulator system.
- 87 (7) The electrical alarm system shall be certified as being an Underwriters Laboratories, Inc.,
88 approved system and installation.
- 89 “*Batch*” means a specific harvest of marijuana or marijuana products that are identifiable by a batch
90 number, every portion or package of which is uniform within recognized tolerances for the factors that
91 were subject to a laboratory test and that appear in the labeling;
- 92 “*Board*” means the Louisiana Board of Pharmacy.
- 93 “*Bona fide physician-patient relationship*” means a relationship in which the physician has ongoing
94 responsibility for the assessment, care and treatment of a patient’s debilitating medical condition, or a
95 symptom of the patient’s debilitating medical condition, for which the physician has certified to the
96 Louisiana State Board of Medical Examiners that the patient would benefit from the palliative use of
97 marijuana;
- 98 “*Debilitating*” means a chronic medical condition that causes weakness or impairs the strength or
99 ability of an individual and has progressed to such an extent that it substantially limits one or more
100 major life activities of such individual. An assessment of whether a major life activity has been
101 substantially limited shall be guided by interpretations of the term “disability” as set forth in 42 USC
102 12102(1)(A);
- 103 “*Debilitating medical condition*” means:
- 104 (1) glaucoma;
- 105 (2) symptoms resulting from administration of cancer chemotherapy treatment;

106 (3) spastic quadriplegia; or
107 (4) any medical condition, medical treatment, or disease approved by the Louisiana State Board
108 of Medical Examiners.

109 “*Deliver*” or “*delivery*” means the actual, constructive or attempted transfer from one person to another
110 of marijuana, whether or not there is an agency relationship;

111 “*Dispensary pharmacy*” means that area within a facility where marijuana is stored, dispensed and sold.
112 If a dispensary facility does not offer any products or services other than marijuana and paraphernalia,
113 the entire dispensary facility is a dispensary pharmacy for purposes of this Subchapter

114 “*Dispensary pharmacy backer*” means, except in cases where the dispensary is the sole proprietor of a
115 dispensary pharmacy, any person with a direct or indirect financial interest in a dispensary pharmacy,
116 except “dispensary pharmacy backer” does not include a person with an investment interest in a
117 dispensary pharmacy provided the interest held by such person and such person’s co-workers,
118 employees, spouse, parent or child, in the aggregate, do not exceed five per cent of the total ownership
119 or interest rights in such dispensary pharmacy and such person does not participate directly or indirectly
120 in the control, management or operation of the dispensary pharmacy;

121 “*Dispensary-pharmacist-in-charge*” means the dispensary pharmacist who has complete control and
122 management over the dispensary pharmacy;

123 “*Dispensary pharmacy employee*” means a dispensary pharmacist, dispensary technician, and all other
124 persons employed by a dispensary pharmacy or who otherwise have access to the dispensary pharmacy.

125 “*Dispensary technician*” means an individual who has had an active pharmacy technician certificate
126 issued by the board and is affiliated with a dispensary pharmacy.

127 “*Dispense*” or “*dispensing*” means those acts of processing marijuana for delivery or for administration
128 for a qualifying patient pursuant to a written certification consisting of:

129 (1) Comparing the directions on the label with the instructions on the written certification, if any,
130 to determine accuracy;

131 (2) the selection of the appropriate marijuana product from stock;

132 (3) the affixing of a label to the container; and

133 (4) the provision of any instructions regarding the use of the marijuana;

134 “*Dispensing error*” means an act or omission relating to the dispensing of marijuana that results in, or
135 may reasonably be expected to result in, injury to or death of a qualifying patient or results in any
136 detrimental change to the medical treatment for the patient;

137 “*Disqualifying conviction*” means a conviction for the violation of any statute or regulation pertaining to
138 the illegal manufacture, sale or distribution of a controlled substance or controlled substance analog
139 unless the violation resulting in the conviction occurred when the person held a valid license or
140 registration certificate from the board and the violation was of a federal statute or regulation related to
141 the possession, purchase or sale of marijuana that is authorized under the Act.

142 “*Electronic data intermediary*” means an entity that provides the infrastructure that connects the
143 computer systems or other electronic devices utilized by dispensary pharmacies with those used by
144 physicians or the board in order to facilitate the secure transmission of qualifying patient or primary
145 caregiver information;

146 “*Financial interest*” means any actual, or a future right to, ownership, investment or compensation
147 arrangement with another person, either directly or indirectly, through business, investment or family.

148 “*Financial interest*” does not include ownership of investment securities in a publicly-held corporation
149 that is traded on a national exchange or over-the-counter market, provided the investment securities held
150 by such person and such person’s co-workers, employees, spouse, parent or child, in the aggregate, do
151 not exceed one-half of one per cent of the total number of shares issued by the corporation;

152 “*Label*” means a display of written, printed or graphic matter upon the immediate container of any
153 product containing marijuana;

154 “*Marijuana*” means all parts of plants of the genus *Cannabis*, whether growing or not; the seeds
155 thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt,
156 derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks
157 of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other
158 compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin

- 159 extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of
160 germination;
- 161 “*Marijuana product*” means any product containing marijuana, including raw materials, that requires no
162 further processing and that is packaged for sale to dispensaries, qualifying patients and primary
163 caregivers;
- 164 “*Palliative use*” means the acquisition, distribution, transfer, possession, use or transportation of
165 marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia
166 relating to marijuana from the patient’s primary caregiver to the qualifying patient, to alleviate a
167 qualifying patient’s symptoms of a debilitating medical condition or the effects of such symptoms, but
168 does not include any such use of marijuana by any person other than the qualifying patient;
- 169 “*Paraphernalia*” refers to equipment, products and materials of any kind which are used, intended for
170 use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing,
171 compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging,
172 storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing into the
173 human body, any controlled substance contrary to the provisions of this chapter including, but not
174 limited to:
- 175 (1) Kits intended for use or designed for use in planting, propagating, cultivating, growing or
176 harvesting of any species of plant which is a controlled substance or from which a controlled
177 substance can be derived;
 - 178 (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting,
179 producing, processing or preparing controlled substances;
 - 180 (3) Isomerization devices used, intended for use in increasing the potency of any species of plant
181 which is a controlled substance;
 - 182 (4) Testing equipment used, intended for use or designed for use in identifying or analyzing the
183 strength, effectiveness or purity of controlled substances;
 - 184 (5) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and
185 lactose used, intended for use or designed for use in cutting controlled substances;
 - 186 (6) Separation gins and sifters used, intended for use or designed for use in removing twigs and
187 seeds from, or in otherwise cleaning or refining, marijuana;
 - 188 (7) Capsules and other containers used, intended for use or designed for use in packaging small
189 quantities of controlled substances;
 - 190 (8) Containers and other objects used, intended for use or designed for use in storing or
191 concealing controlled substances;
 - 192 (9) In a quantity greater than thirty hypodermic syringes, needles and other objects used, intended
193 for use or designed for use in parenterally injecting controlled substances into the human
194 body;
 - 195 (10) Objects used, intended for use or designed for use in ingesting, inhaling, or otherwise
196 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: Metal,
197 wooden, acrylic, glass, stone, plastic or ceramic pipes with screens, permanent screens,
198 hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices;
199 smoking and carburetion masks; roach clips: Meaning objects used to hold burning material,
200 such as a marijuana cigarette, that has become too small or too short to be held in the hand;
201 miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes;
202 air-driven pipes; chillums; bongs or ice pipes or chillers;
- 203 “*Pharmaceutical grade marijuana*” means marijuana or marijuana products that are not adulterated
204 and are:
- 205 (1) Processed, packaged and labeled according to the Food and Drug Administration’s “Current
206 Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations
207 for Dietary Supplements,” 21 CFR 111;
 - 208 (2) Labeled with the results of an active ingredient analysis, a microbiological contaminants
209 analysis, a mycotoxin analysis, a heavy metal analysis, and a pesticide chemical residue
210 analysis which have been completed on a batch basis by a laboratory; and
 - 211 (3) Where each step of the production, cultivation, trimming, curing, manufacturing, processing,

212 and packaging method has been documented by using established standard operation
 213 procedures approved by the Louisiana Department of Agriculture.
 214 “*Pharmacist*” means an individual currently licensed by the board to engage in the practice of
 215 pharmacy;
 216 “*Pharmacy technician*” means an individual who assists in the practice of pharmacy under the direct
 217 and immediate supervision of a licensed pharmacist and is currently certified to do so by the board;
 218 “*Physician*” means an individual currently licensed by to practice medicine by the Louisiana State
 219 Board of Medical Examiners;
 220 “*Prescription monitoring program*” means the electronic prescription drug monitoring program
 221 established by-La. R.S. 40:1001 *et seq.*;
 222 “*Primary caregiver*” or “*caregiver*” means a person, other than the qualifying patient and the
 223 qualifying patient’s physician, who is eighteen years of age or older and has agreed to undertake
 224 responsibility for managing the well-being of the qualifying patient with respect to the palliative use of
 225 marijuana, provided
 226 (1) in the case of a qualifying patient lacking legal capacity, such person shall be a parent,
 227 guardian or person having legal custody of such qualifying patient, and
 228 (2) the need for such person shall be evaluated by the qualifying patient’s physician and such
 229 need shall be documented in the written certification;
 230 “*Producer*” means a person licensed by the Louisiana Department of Agriculture to cultivate
 231 marijuana for palliative use;
 232 “*Production*” or “*produce*” means the manufacture, planting, preparation, cultivation, growing,
 233 harvesting, propagation, compounding, conversion or processing of marijuana, either directly or
 234 indirectly by extraction from substances of natural origin, or independently by means of chemical
 235 synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or
 236 repackaging of the substance or labeling or relabeling of its container, except that this term does not
 237 include the preparation or compounding of marijuana by a patient or caregiver for the patient’s use;
 238 “*Production facility*” means a secure, indoor facility where the production of marijuana occurs and that
 239 is operated by a person to whom the Louisiana Department of Agriculture has issued a producer license.
 240 “*Qualifying patient*” or “*patient*” means a person who is eighteen years of age or older, is a resident of
 241 Louisiana and has been diagnosed by a physician as having a debilitating medical condition. This term
 242 does not include an inmate confined in a correctional institution or facility under the supervision of the
 243 Louisiana Department of Corrections;
 244 “*Sale*” is any form of delivery, which includes barter, exchange or gift, or offer therefor, and each such
 245 transaction made by any person whether as principal, proprietor, agent, servant or employee;
 246 “*Usable marijuana*” means the dried leaves and flowers of the marijuana plant, and any mixtures or
 247 preparations of such leaves and flowers, that are appropriate for the palliative use of marijuana, but does
 248 not include the seeds, stalks and roots of the marijuana plant; and
 249 “*Written certification*” means a written or electronically submitted statement issued by a physician to
 250 the board certifying a patient for the palliative use of marijuana, which shall be submitted on a form and
 251 in a manner prescribed by the board.
 252

253 §2500. Number of dispensary pharmacies

- 254 A. Only a dispensary pharmacist at a dispensary pharmacy may dispense marijuana.
 255 B. The board shall issue no more than ten dispensary pharmacy permits upon a determination that
 256 dispensary pharmacies are desirable to assure access to marijuana for qualifying patients. Such
 257 determination shall be made based on the size and location of the dispensary pharmacies in operation,
 258 the number of qualifying patients and the convenience and economic benefits to qualifying patients.
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260 §2500. Dispensary pharmacy permit selection

- 261 A. The board shall publish on its Internet web site, and in such other places as the board deems
 262 appropriate, a notice of open applications for dispensary pharmacy permits. Such notice shall include,
 263 but not be limited to:
 264 1. The maximum number of permits to be awarded;

- 265 2. Information on how to obtain an application;
- 266 3. The deadline for receipt of applications;
- 267 4. Acceptable methods for submitting an application;
- 268 5. The preferred locations, if any, for the dispensary pharmacy permits; and
- 269 6. The criteria that shall be considered in awarding the dispensary pharmacy permits.
- 270 B. Following the deadline for receipt of applications, the board shall evaluate each complete and timely
- 271 submitted application and award dispensary pharmacy permits on a competitive basis based on the
- 272 criteria set out in the notice for applications. In the event the board determines that there are an
- 273 insufficient number of qualified applicants to award all of the dispensary pharmacy permits that the
- 274 board has determined are desirable, the board may republish, in accordance with this section, a notice
- 275 of open applications for dispensary pharmacy permits.
- 276 C. The board shall consider, but is not limited to, the following criteria in evaluating dispensary pharmacy
- 277 permit applications:
- 278 1. The character and fitness of the dispensary pharmacist, dispensary pharmacy backers and any other
- 279 person who may have control or influence over the operation of the proposed dispensary
- 280 pharmacy;
- 281 2. The location for the proposed dispensary pharmacy including, but not limited to:
- 282 a. Its proximity to previously approved dispensary pharmacies or pending dispensary pharmacy
- 283 applications;
- 284 b. Whether the registered patient population in the area proposed by the dispensary pharmacy
- 285 applicant justifies the need for a dispensary pharmacy, or an additional dispensary pharmacy,
- 286 in that area;
- 287 c. Whether the proximity of the proposed dispensary pharmacy will have a detrimental effect
- 288 upon any place used primarily for religious worship, public or private school, convent,
- 289 charitable institution, whether supported by private or public funds, hospital or veterans'
- 290 home or any camp or military establishment;
- 291 d. Whether the number of dispensary pharmacies in the locality is such that the granting of a
- 292 permit is detrimental to the public interest. In reaching a conclusion in this respect, the board
- 293 may consider the population of, the number of like permits and number of all permits existent
- 294 in, the particular municipality and the immediate neighborhood concerned, the effect that a
- 295 new permit may have on such town or neighborhood or on like permits existent in such
- 296 municipality or neighborhood;
- 297 3. The applicant's ability to maintain adequate control against the diversion, theft and loss of
- 298 marijuana;
- 299 4. The applicant's ability to maintain the knowledge, understanding, judgment, procedures, security
- 300 controls and ethics to ensure optimal safety and accuracy in the dispensing and sale of marijuana;
- 301 and
- 302 5. The extent to which the applicant or any of the applicant's dispensary pharmacy backers have a
- 303 financial interest in another permittee, licensee, registrant or applicant credentialed by the board.
- 304 6. Any other reason provided by Louisiana state or federal statute or Louisiana state or federal
- 305 regulation that is not inconsistent with the Act.
- 306 D. The board shall have the right to amend the notice of open applications prior to the deadline for
- 307 submitting an application. Such amended notice shall be published in the same manner as the original
- 308 notice of open applications.
- 309 E. The board shall have the right to cancel a notice of open applications prior to the award of a dispensary
- 310 pharmacy permit.
- 311 F. The board may disqualify any applicant who:
- 312 1. Submits an incomplete, false, inaccurate, or misleading application;
- 313 2. Fails to submit an application by the published deadline; or
- 314 3. Fails to pay all applicable fees.
- 315 G. The decision of the board not to award a dispensary pharmacy permit to an applicant shall be final.
- 316 H. If an applicant has been awarded a dispensary pharmacy permit and has not commenced operation of
- 317 such pharmacy within one hundred twenty days of being notified of the dispensary pharmacy permit
- 318 award, the board may, in the board's discretion, rescind such dispensary pharmacy permit, unless such

319 delay was caused by an Act of God. A dispensary pharmacy shall be deemed to have commenced
320 operation if the dispensary pharmacy is capable of operating in accordance with the dispensary
321 pharmacy applicant's approved application. In the event a dispensary pharmacy permit is rescinded
322 pursuant to this subsection, the board shall award a dispensary pharmacy permit by selecting among
323 the qualified applicants who applied for the dispensary pharmacy permit subject to rescission. If no
324 other qualified applicant applied for such dispensary pharmacy permit or satisfied the criteria for
325 awarding a permit, the board shall publish, in accordance with this section, a notice of open
326 applications for dispensary pharmacy permits.
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328 **§2500. Dispensary pharmacy permit applications**

- 329 A. Only a dispensary pharmacy that has obtained a permit from the board may sell marijuana to qualified
330 patients and primary caregivers with a legitimate recommendation or medical order from an authorized
331 prescriber.
- 332 B. A dispensary pharmacy permit applicant shall submit an application form and the fees required by the
333 Louisiana Pharmacy Practice Act, as well as all other required documentation on forms prescribed by
334 the board.
- 335 C. The applicant shall provide the following information and records in the application process:
- 336 1. The name and address of the applicant, the applicant's dispensary pharmacy backers, if any, and
337 the person who will serve as the dispensary pharmacist-in-charge if the application is approved;
 - 338 2. The location for the dispensary pharmacy that is to be operated under such license;
 - 339 3. A financial statement setting forth all elements and details of any business transactions connected
340 with the application;
 - 341 4. A detailed description of any other services or products to be offered by the dispensary pharmacy;
 - 342 5. Details regarding the applicant's plans to maintain adequate control against the diversion, theft or
343 loss of marijuana;
 - 344 6. Details of any felony conviction or of any criminal conviction related to controlled dangerous
345 substances or legend drugs of the applicant, applicant's backers, or pharmacist-in-charge;
 - 346 7. Documents sufficient to establish that the applicant is authorized to conduct business in Louisiana
347 and that all applicable state and local building, fire and zoning requirements and local ordinances
348 will be met;
 - 349 8. Permission for the board to conduct a background check on the applicant and the applicant's
350 backers, if any, for the purpose of determining if such applicant and applicant's backers are
351 suitable to own and operate a dispensary pharmacy;
 - 352 9. Any business and marketing plans related to the operation of the dispensary pharmacy or the sale
353 of marijuana;
 - 354 10. Text and graphic materials showing the exterior appearance of the proposed dispensary pharmacy
355 and its site compatibility with commercial or residential structures already constructed or under
356 construction within the immediate neighborhood;
 - 357 11. A blueprint of the proposed dispensary pharmacy, which shall, at a minimum, show and identify:
 - 358 a. The square footage of the area which will constitute the dispensary pharmacy;
 - 359 b. The square footage of the overall dispensary pharmacy;
 - 360 c. The square footage and location of areas used as storerooms or stockrooms;
 - 361 d. The size of the counter that will be used for selling marijuana;
 - 362 e. The location of the dispensary pharmacy sink and refrigerator, if any;
 - 363 f. The location of all approved safes and approved vaults that will be used to store marijuana;
 - 364 g. The location of the toilet facilities;
 - 365 h. The location of a break room and location of personal belonging lockers;
 - 366 i. The location and size of patient counseling area(s);
 - 367 j. The locations where any other products or services will be offered; and
 - 368 k. The location of all areas that may contain marijuana showing the location of walls, partitions,
369 counters and all areas of ingress and egress;
 - 370 12. Such other documents and information reasonably required by the board to determine the
371 applicant's suitability for registration or to protect public health and safety.

- 372 D. In the event any information contained in the application or accompanying documents changes after
373 being submitted to the board, the applicant shall immediately notify the board in writing and provide
374 corrected information in a timely manner so as not to disrupt the permit selection process.
- 375 E. The board may verify information contained in each application and accompanying documentation in
376 order to assess the applicant's character and fitness to operate a dispensary pharmacy. The board may
377 verify the information and assess the applicant's character and fitness by, among other things:
- 378 1. Contacting the applicant by telephone, mail, electronic mail or such other means as is reasonable
379 under the circumstances;
 - 380 2. Conducting an on-site visit of the proposed dispensary pharmacy location or other dispensary
381 pharmacy locations associated with the applicant or the applicant's dispensary pharmacy backers;
 - 382 3. Conducting background checks or contacting references of the applicant, the applicant's
383 dispensary pharmacy backers, the dispensary pharmacy backers' members, shareholders or
384 investors, and the pharmacist-in-charge;
 - 385 4. Contacting state regulators in any other states where the applicant, the applicant's dispensary
386 pharmacy backers and the dispensary pharmacy backers' members, shareholders or investors are
387 engaged in, or have sought to be engaged in, any aspect of that state's medical marijuana program;
388 and
 - 389 5. Requiring a personal meeting with the applicant and the pharmacist-in-charge and the submission
390 of additional information or documents.
- 391

392 **§2500. Dispensary pharmacy employee licenses and registrations**

- 393 A. No person shall act as a dispensary pharmacist without a pharmacist license issued by the board.
- 394 B. No person shall act as a dispensary technician without being credentialed as a technician by the board.
- 395 C. No person shall be employed or retained as any other type of dispensary pharmacy employee without
396 being at least 18 years of age.
- 397 D. Any dispensary pharmacy backer, or other person who will exercise control over, or have management
398 responsibility for, a dispensary pharmacy shall be disclosed to the board in writing as part of the
399 application.
- 400 E. Only a pharmacist who holds an active and unrestricted pharmacist license issued by the board may
401 apply for and receive authority to serve as pharmacist-in-charge for a dispensary pharmacy permit.
- 402 F. Only a person who has held an active and unrestricted pharmacy technician credential in Louisiana
403 within the five years prior to the application, who is 18 years of age or older may practice at a
404 dispensary pharmacy.
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406 **§2500. Notification of changes by dispensary pharmacy**

- 407 A. Prior to any person becoming affiliated with a dispensary pharmacy, including any change associated
408 with a change in ownership, such person shall comply with the credentialing requirements of the
409 board. No person shall commence such affiliation until approved by the board.
- 410 B. Prior to making any change to the dispensary pharmacy name, the dispensary pharmacy shall submit
411 an application, on a form prescribed by the board, for such change to the board. No dispensary
412 pharmacy shall make such change until approved by the board.
- 413 C. Prior to changing a dispensary pharmacy location, the dispensary pharmacy shall submit an
414 application, on a form prescribed by the board, for such change to the pharmacy department and pay
415 the applicable fee. No dispensary pharmacy shall make such change until approved by the board.
- 416 D. Prior to any modification, remodeling, expansion, reduction or other physical, non-cosmetic alteration
417 of a dispensary pharmacy, the dispensary pharmacy shall submit an application, on a form prescribed
418 by the board, for such change to the pharmacy. No dispensary pharmacy shall make such change until
419 approved by the board.
- 420 E. The dispensary pharmacy shall notify the board no later than ten business days after the date that a
421 dispensary pharmacy backer or dispensary pharmacy employee ceases to work for, or be affiliated
422 with, the dispensary pharmacy.
- 423 F. If a dispensary pharmacy will be closing permanently, the dispensary pharmacy's pharmacist-in-
424 charge shall notify the board in accordance with Chapter 11 of the board's regulations.

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§2500. Pharmacist-in-Charge (Taken from Chapter 11)

- A. The opportunity to accept an appointment as the pharmacist-in-charge (PIC) of a pharmacy is a professional privilege. The following requirements are attached to a PIC privilege.
 - 1. The acquisition of the PIC privilege shall require:
 - a. Possession of an active Louisiana pharmacist license;
 - b. Active pharmacy practice for a minimum of two years under the jurisdiction of any board of pharmacy in the United States; and
 - c. The completion of the Affidavit of Responsibility and Duties described below.
 - 2. The PIC shall be present and practicing at the pharmacy for which he holds the PIC position no less than 20 hours per week during the pharmacy's ordinary course of business. In the event the pharmacy's normal hours of business are less than 20 hours per week the PIC shall be present and practicing at least 50 percent of the normal business hours.
- B. An initial and renewal pharmacy permit application shall designate and identify the licensed pharmacist-in-charge.
- C. Authority and Accountability. The pharmacist-in-charge shall be ultimately responsible for complete supervision, management, and compliance with all federal and state pharmacy laws and regulations pertaining to the practice of pharmacy of the entire prescription department. This responsibility necessarily includes accountability for any violation involving federal or state laws or regulations occurring within the prescription department supervised by a pharmacist-in-charge.
- D. Policy and Procedure Manual. The pharmacist-in-charge shall be responsible for the implementation of policies and procedures regarding quality pharmacy services including drug control, distribution, patient compliance accountability, inspection, and record keeping.
- E. Circumvention. It is a violation of the pharmacy permit for any person to subvert the authority of the pharmacist-in-charge by impeding the management of the prescription department in the compliance of federal and state pharmacy laws and regulations.
- F. Records. The pharmacist-in-charge shall be responsible for the proper maintenance of all prescription records. This necessarily includes electronic prescription records and the system's compliance and capacity to produce the required records.
- G. Recall. The pharmacist-in-charge shall be responsible for the implementation of a recall procedure that can be readily activated to assure patient safety.
- H. Discontinued and Outdated Drugs. The pharmacist-in-charge shall be responsible for the implementation of policies and procedures to ensure that discontinued or outdated drugs, or containers with worn, illegible, or missing labels are withdrawn from the pharmacy inventory.
- I. Change of Pharmacist-in-Charge. Written notice to the board shall be required when the pharmacist-in-charge designation for a pharmacy has changed.
 - 1. The permit holder shall notify the board within ten days of the prior pharmacist-in-charge's departure date. The permit holder shall designate a new pharmacist-in-charge within ten days of the departure of the prior pharmacist-in-charge.
 - 2. The new pharmacist-in-charge shall afford the board written notice of his newly designated pharmacist-in-charge status within ten days of the departure of the prior pharmacist-in-charge.
 - 3. A pharmacist-in-charge who voluntarily leaves a pharmacy shall give written notice to the board and the owner of the permit at least ten days prior to this voluntary departure, unless replaced in a shorter period of time.
- J. Affidavit of Responsibility and Duties. The designated pharmacist-in-charge shall sign an affidavit on a form supplied by the board indicating his understanding and acceptance of the duties and responsibilities of a pharmacist-in-charge. This notarized document shall be submitted to the board for inclusion in the pharmacy's record in the board office.
- K. A pharmacist shall not hold a pharmacist-in-charge position at more than one pharmacy permit, unless approved by the board.

§2500. Notification of changes by dispensary pharmacist and dispensary technician

- A. Every dispensary pharmacist and dispensary technician whose place of employment changes shall

478 report to the board the following information regarding the dispensary pharmacist or dispensary
479 technician's new employment. Such notification shall be made, on a form prescribed by the board, no
480 less than ten business days after the change in employment becomes effective.

481 B. Any dispensary pharmacist or dispensary technician whose name or home address changes shall notify
482 the department of such change, on a form prescribed by the board, no less than ten business days after
483 the change.
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485 **§2500. Renewal applications**

486 A. Every person issued a permit, license or certification shall file a renewal application and the proper
487 fees with the - board at least 45 days prior to the date the existing credential expires.

488 B. If a renewal application is not filed prior to the expiration date of the applicable the credential, the
489 credential shall expire and become void until the permittee, licensee or certificant files a renewal
490 application and pays all applicable fees, and the renewal application is approved by the board.
491

492 **§2500. Fees (*Will need to be placed in statute*)**

493 A. The non-refundable fee for a dispensary pharmacy permit application shall be one thousand dollars. In
494 addition, upon approval of the applicant's dispensary pharmacy permit, the applicant shall pay an
495 additional fee of five thousand dollars prior to receiving a permit;

496 B. The non-refundable fee for each renewal of a dispensary facility license shall be five thousand dollars;
497

498 **§2500. Escrow Account Terms**

499 A. The dispensary pharmacy's two million dollar escrow account, letter of credit or surety bond shall be
500 payable to the board in the event the board determines, after a hearing that the dispensary pharmacy
501 has failed to timely and successfully complete the construction of a dispensary pharmacy or to
502 continue to operate such dispensary pharmacy in a manner that provides a substantially uninterrupted
503 supply to its usual dispensary pharmacy customers during the term of the permit.

504 B. The board shall permit the dispensary pharmacy's two million dollar escrow account, letter of credit or
505 surety bond to be reduced by five-hundred thousand dollars upon the successful achievement of each
506 of the following milestones, resulting in a potential elimination in the escrow account, letter of credit
507 or surety bond:

508 1. A determination by the board that the dispensary pharmacy is fully operational and able to
509 commence dispensing of marijuana as provided for in this Subchapter;

510 2. A determination by the board that the dispensary pharmacy remained operational without
511 substantial interruption and without any violation of law or regulation for a one year period;

512 3. A determination by the board that the dispensary pharmacy remained operational without
513 substantial interruption and without any violation of law or regulation for an additional two
514 consecutive years; and

515 4. A determination by the board that the dispensary pharmacy remained operational without
516 substantial interruption and without any violation of law or regulation for a second period of two
517 consecutive years.

518 C. If a dispensary pharmacy voluntarily chooses not to renew the dispensary pharmacy permit and follows
519 proper closure procedures, the board shall extinguish the obligations under the escrow account, letter
520 of credit or surety bond at the end of the permit's term.
521

522 **§2500. Operation of dispensary pharmacy**

523 A. No person may operate a dispensary pharmacy without a dispensary pharmacy permit issued by the
524 board. A pharmacist shall be on duty at all times during regular open hours of the dispensary
525 pharmacy.

526 B. A dispensary pharmacy shall not dispense marijuana from, obtain marijuana from, or transfer
527 marijuana to, a location outside of the state of Louisiana.

528 C. A dispensary pharmacy shall not obtain, cultivate, deliver, transfer, transport, sell or dispense
529 marijuana except:

530 (1) It may acquire marijuana from an authorized producer under La.R.S.40:1046; and

- 531 (2) It may dispense and sell marijuana to a qualifying patient or primary caregiver.
532 D. No person at a dispensary pharmacy shall provide marijuana samples or engage in marijuana
533 compounding.
534 E. A dispensary pharmacy shall sell marijuana products only in the original sealed containers or
535 packaging as delivered by the producer, except that a dispensary pharmacist may remove the
536 marijuana product from the producer's child-resistant container or package and place the marijuana
537 product in a non-child-resistant, secure and light-resistant container upon a written request from the
538 qualifying patient or primary caregiver so long as all original labeling is maintained with the product.
539 F. Only a dispensary pharmacist may dispense marijuana, and only a dispensary pharmacist or dispensary
540 technician may sell marijuana, to qualifying patients and primary caregivers. A dispensary technician
541 may assist, under the direct supervision of a dispensary pharmacist, in the dispensing of marijuana.
542 G. A dispensary pharmacy shall place all products sold to the qualifying patient or primary caregiver in an
543 opaque package that shall not indicate the contents of the package, the originating facility or in any
544 other way cause another person to believe that the package may contain marijuana.
545 H. A dispensary pharmacy shall not permit any person to enter the dispensary department unless that
546 person's responsibilities necessitate access to the dispensary department and then for only as long as
547 necessary to perform the person's job duties.
548 I. All dispensary pharmacy employees shall, at all times while at the dispensary pharmacy, have their
549 current board credentials available for inspection by the board or the board's authorized representative.
550 J. While inside the dispensary pharmacy, all dispensary pharmacy employees shall wear name tags or
551 similar forms of identification that clearly identify them to the public, including their position at the
552 dispensary pharmacy.
553 K. A dispensary pharmacy shall be open for qualifying patients and primary caregivers to purchase
554 marijuana products for a minimum of 10 hours per week, except as otherwise authorized by the board.
555 L. A dispensary pharmacy that closes during its normal hours of operation shall implement procedures to
556 notify qualifying patients and primary caregivers of when the dispensary pharmacy will resume normal
557 hours of operation. Such procedures may include, but are not limited to, telephone system messages
558 and conspicuously posted signs. If the dispensary pharmacy is, or will be, closed during its normal
559 hours of operation for longer than two business days, the dispensary pharmacy shall immediately
560 notify the board.
561 M. A dispensary pharmacy shall provide information to qualifying patients and primary caregivers
562 regarding the possession and use of marijuana. The pharmacist-in-charge shall submit all informational
563 material to the board for approval prior to being provided to qualifying patients and primary
564 caregivers. Such informational material shall include information related to:
565 1. Limitations on the right to possess and use marijuana pursuant to La. R.S. 40:1046;
566 2. Safe techniques for proper use of marijuana and paraphernalia;
567 3. Alternative methods and forms of consumption or inhalation by which one can use marijuana;
568 4. Signs and symptoms of substance abuse; and
569 5. Opportunities to participate in substance abuse programs.
570 N. The dispensary pharmacy shall establish, implement and adhere to a written alcohol-free, drug-free and
571 smoke-free work place policy, which shall be available to the board upon request.
572 O. All deliveries from producers shall be carried out under the direct supervision of a dispensary
573 pharmacist who shall be present to accept the delivery. Upon delivery, the marijuana shall immediately
574 be placed in an approved safe or approved vault within the dispensary pharmacy where marijuana is
575 stored.
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577 **§2500. Pharmacist Temporary Absence (from §1109)**

- 578 A. A pharmacist shall be considered to be temporarily absent from the prescription department when not
579 within the confines of the prescription department but remains on-site.
580 B. The pharmacist may be temporarily absent from the prescription department for breaks and meal
581 periods without closing the prescription department and removing pharmacy personnel providing the
582 following conditions are met:
583 1. at least one certified pharmacy technician or pharmacy intern remains in the prescription

- 584 department;
- 585 2. the pharmacist is available for emergencies;
- 586 3. the temporary absence does not exceed thirty minutes at a time and a total of sixty minutes in a
- 587 twelve hour period;
- 588 4. the pharmacist reasonably believes that the security of the prescription department will be
- 589 maintained in his absence; and
- 590 5. a notice is posted that includes the following information:
- 591 a. the fact that the pharmacist is taking a break; and
- 592 b. the time the pharmacist will return.
- 593 C. If the pharmacist, in his professional judgment, determines it necessary, all personnel shall be removed
- 594 from the pharmacy and the pharmacy shall be secured for the duration of the temporary absence, and
- 595 notice shall be posted indicating the pharmacy is closed.
- 596 D. During a temporary absence, certified pharmacy technicians or pharmacy interns may continue to
- 597 process prescription orders, provided that no orders processed during the pharmacist's temporary
- 598 absence be removed from the prescription department prior to the final check by the pharmacist.
- 599 E. If the pharmacist is absent less than five minutes from the prescription department, this absence is not
- 600 considered a "temporary absence" within the meaning of this chapter and will not require a posted
- 601 notice, provided the prescription department's security is not compromised.
- 602 F. If at any time the pharmacist deems it necessary to leave the on-site facility, the pharmacy shall be
- 603 closed in accordance with §1111.
- 604

605 **§2500. Pharmacist Absence (from §1111)**

- 606 A. A pharmacist is considered absent from the prescription department when he is not in the prescription
- 607 department and is off-site.
- 608 B. When a pharmacist is absent from the prescription department, the prescription department must be
- 609 securely closed and made inaccessible. A sign shall be displayed in a conspicuous position in front of
- 610 the prescription department giving notice of closure. The sign shall be at least 8½ x 11 inches with the
- 611 following wording in black letters at least one inch high: PRESCRIPTION DEPARTMENT CLOSED.
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613 **§2500. Dispensary pharmacy prohibitions**

- 614 A. No dispensary pharmacy shall sell anything other than marijuana products from the dispensary
- 615 pharmacy.
- 616 B. No marijuana shall be consumed on the premises of a dispensary pharmacy.
- 617 C. No person, except a dispensary pharmacy employee, or a production facility employee who is
- 618 delivering marijuana products, shall be allowed in the pharmacy department of a dispensary pharmacy
- 619 D. All visitors shall log in and out. The dispensary pharmacy shall maintain the visitor log, which shall
- 620 include the date, time and purpose of the visit and which shall be available to the board.
- 621 1. If an emergency requires the presence of a visitor the dispensary pharmacy shall provide written
- 622 notice to the board as soon as practicable after the onset of the emergency.
- 623 2. Such notice shall include the name and-company affiliation of the visitor, the purpose of the visit,
- 624 and the date and time of the-visit.
- 625 3. A dispensary pharmacy shall monitor the visitor and maintain a log of such visit as-required by this
- 626 subsection.
- 627 E. No person associated with a dispensary pharmacy shall enter into any agreement with a certifying
- 628 physician or health care facility concerning the provision of services or equipment that may adversely
- 629 affect any person's freedom to choose the dispensary pharmacy at which the qualifying patient or
- 630 primary caregiver will purchase marijuana.
- 631 F. No marijuana shall be sold, dispensed or distributed via a delivery service or any other manner outside
- 632 of a dispensary pharmacy, except that a primary caregiver may deliver marijuana to the caregiver's
- 633 qualified patient.
- 634 G. Board representatives, local law enforcement or other federal, state or local government officials may
- 635 enter any area of a dispensary pharmacy if necessary to perform their governmental duties.
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637 §2500. Procedures when dispensary department is closed

- 638 A. During times that the dispensary department is closed, it shall be securely locked and equipped with an
639 alarm system. Such alarm shall be activated and operated separately from any other alarm system at
640 the building housing the dispensary pharmacy and shall be able to immediately detect entrance to the
641 dispensary department at times when it is closed. Keys and access codes to the alarm system shall be
642 controlled in such a manner so as to prevent access to the dispensary department by other than
643 authorized dispensary pharmacy employees. Only a dispensary pharmacist shall have the authority to
644 deactivate the alarm system.
- 645 B. A dispensary pharmacy shall store marijuana in an approved safe or approved vault within the
646 dispensary department and shall not sell marijuana products when the dispensary department is closed.

647 §2500. Rights and responsibilities of dispensary pharmacists

- 648 A. A dispensary pharmacist, in good faith, may sell and dispense marijuana to any qualifying patient or
649 primary caregiver. The dispensary pharmacist dispensing the marijuana shall include the date of
650 dispensing and the dispensary's pharmacist's signature or initials on the dispensary pharmacy's
651 dispensing record log.
- 652 B. All dispensary pharmacists shall register with the board to access the prescription monitoring program.
- 653 C. A dispensary pharmacist shall review a qualifying patient's prescription monitoring program records
654 before dispensing any marijuana to the qualifying patient or the qualifying patient's primary caregiver.
- 655 D. A dispensary pharmacist shall exercise professional judgment to determine whether to dispense
656 marijuana to a qualifying patient or primary caregiver if the dispensary pharmacist suspects that
657 dispensing marijuana to the qualifying patient or primary caregiver may have negative health or safety
658 consequences for the qualifying patient or the public.
- 659 E. A dispensary pharmacist shall document a qualifying patient's self-assessment of the effects of
660 marijuana in treating the qualifying patient's debilitating medical condition or the symptoms thereof.
661 A dispensary pharmacy shall maintain such documentation electronically for at least three years
662 following the date the patient ceases to be a patient of the dispensary pharmacy and such
663 documentation shall be made available to the board upon request.

**664 §2500. Dispensary pharmacists to assign serial number and maintain records; Transfer of
665 records to another dispensary pharmacy**

- 666 A. A dispensary pharmacist shall assign and record a sequential serial number to each marijuana product
667 dispensed to a patient and shall keep all dispensing records in numerical order in a suitable file,
668 electronic file or ledger. The records shall indicate:
- 669 1. The date of dispensing;
 - 670 2. The name and address of the certifying physician;
 - 671 3. The name and address of the qualifying patient, or primary caregiver if applicable;
 - 672 4. The initials of the dispensary pharmacist who dispensed the marijuana; and
 - 673 5. Whether a full or partial supply of marijuana was dispensed pursuant to the recommendation or
674 medical order.
- 675 B. A dispensary pharmacy shall maintain records created under this section and shall make such records
676 available to the board upon request.
- 677 C. When a dispensary pharmacy closes temporarily or permanently, the dispensary pharmacy shall, in the
678 interest of public health, safety and convenience, make its complete dispensing records immediately
679 available to a nearby dispensary pharmacy and post a notice of this availability on the window or door
680 of the closed dispensary pharmacy. The dispensary pharmacy shall simultaneously provide such notice
681 to the board.

682 §2500. Labeling of marijuana products by dispensary pharmacist

- 683 A. A dispensary pharmacist shall not dispense marijuana that does not bear the producer label required by
684 the Louisiana Department of Agriculture.
- 685 B. All marijuana products dispensed shall be completely and properly labeled as follows:
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1. The serial number, as assigned by the dispensary pharmacy;
 2. The date of dispensing the marijuana;
 3. The quantity of marijuana dispensed;
 4. The name of the qualifying patient and, where applicable, the primary caregiver;
 5. The name of the certifying physician;
 6. Such directions for use as may be included in the physician's written certification or otherwise provided by the physician;
 7. Name of the dispensary pharmacist;
 8. Name and address of the dispensary pharmacy;
 9. Any cautionary statement as may be required by Louisiana law or regulation; and
 10. A prominently printed expiration date based on the producer's recommended conditions of use and storage that can be read and understood by the ordinary individual.
- C. The expiration date required by this section shall be no later than the expiration date determined by the producer.
- D. No person except a dispensary pharmacist, or a dispensary technician operating under the direct supervision of a dispensary pharmacist, shall alter, deface or remove any label so affixed.

706 **§2500. Dispensary pharmacy technicians; Ratio; Supervision and responsibility**

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- A. The ratio of dispensary technicians to dispensary pharmacists on duty in a dispensary pharmacy shall not exceed three dispensary technicians to one dispensary pharmacist.
 - B. A dispensary technician whose board credential is under probation, suspension or revocation shall not practice as a dispensary technician.
 - C. The dispensary pharmacist providing direct supervision of dispensary technicians shall be responsible for the dispensary technicians' actions. Any violations relating to the dispensing of marijuana resulting from the actions of a dispensary technician, or the use of dispensary technicians in the performance of tasks in a manner not in conformance with the laws or regulations, shall constitute cause for action against the license of the dispensary pharmacist.
 - D. As used in this subsection, "direct supervision" means a supervising dispensary pharmacist who:
 1. Is physically present in the area or location where the dispensary technician is performing routine marijuana dispensing functions; and
 2. Conducts in-process and final checks on the dispensary technician's performance.

721 **§2500. Dispensary technician limitations**

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- A. Dispensary technicians shall not:
 1. Consult with a qualifying patient or the patient's primary caregiver regarding marijuana or other drugs, either before or after marijuana has been dispensed, or regarding any medical information contained in a patient medication record;
 2. Consult with the physician who certified the qualifying patient, or the physician's agent, regarding a patient or any medical information pertaining to the patient's marijuana or any other drug the patient may be taking;
 3. Interpret the patient's clinical data or provide medical advice;
 4. Perform professional consultation with physicians, nurses or other health care professionals or their authorized agents; or
 5. Determine whether a different brand or formulation of marijuana should be substituted for the marijuana product or formulation recommended by the physician or requested by the qualifying patient or primary caregiver.
 - B. Notwithstanding subsection (A) of this section, a dispensary technician may communicate with a physician who certified a qualifying patient, or the physician's agent, to obtain a clarification on a qualifying patient's written certification or instructions provided the supervising dispensary pharmacist is aware that such clarification is being requested.

741 §2500. Dispensary technician training

- 742 A. Dispensary technicians shall complete initial training as determined by the dispensary pharmacist-in-charge of each dispensary pharmacy. Such training shall include, but not be limited to:
- 743 1. On-the-job and other related education, which shall be commensurate with the tasks dispensary technicians are to perform and which shall be completed prior to the regular performance of such tasks;
- 744 2. Professional conduct, ethics, and state and federal statutes and regulations regarding patient confidentiality; and
- 745 3. Developments in the field of the medical use of marijuana.
- 746 B. The dispensary technician shall be registered as a dispensary technician with the board prior to the start of such training.
- 747 C. The dispensary pharmacist-in-charge shall assure the continued competency of dispensary technicians through continuing in-service training designed to supplement initial training, which shall include any guidance specified by the board.
- 748 D. The dispensary pharmacist-in-charge shall be responsible for maintaining a written record documenting the initial and continuing training of dispensary technicians, which shall contain:
- 749 1. The name of the person receiving the training;
- 750 2. The dates of the training;
- 751 3. A general description of the topics covered;
- 752 4. The name of the person supervising the training; and
- 753 5. The signatures of the person receiving the training and the dispensary pharmacist-in-charge.
- 754 E. When a change of dispensary pharmacist-in-charge occurs, the new pharmacist-in-charge shall review the training record and sign it, indicating that the new pharmacist-in-charge understands its contents.
- 755 F. A dispensary pharmacy shall maintain the record documenting the dispensary technician training and make it available to the board upon request.
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767 §2500. Electronic system record-keeping safeguards

- 768 A. A dispensary pharmacy shall use an electronic system in accordance with Chapter 11 for the storage and retrieval of patient information or other marijuana records, the dispensary pharmacy shall use a system that:
- 769 1. Guarantees the confidentiality of the information contained therein;
- 770 2. Is capable of providing safeguards against erasures and unauthorized changes in data after the information has been entered and verified by the dispensary pharmacist; and
- 771 3. Is capable of being reconstructed in the event of a computer malfunction or accident resulting in the destruction of the data bank.
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777 §2500. Dispensary pharmacy reporting to the prescription monitoring program

- 778 A. At least once per day, a dispensary shall transmit electronically to the Prescription Monitoring Program of the board in a format approved by the board, the fields listed in this subsection, including, but not limited to, the following:
- 779 1. Drug Enforcement Administration number of the dispensary pharmacy, which shall be populated by a number provided by the board;
- 780 2. Patient's date of birth;
- 781 3. Patient's gender code;
- 782 4. Date order filled, which shall be the date marijuana is dispensed;
- 783 5. Order number, which shall be the serial number assigned to each marijuana product dispensed to a patient;
- 784 6. New-refill code;
- 785 7. Quantity;
- 786 8. Days' supply;
- 787 9. National Drug Code number, which shall be provided by the board;
- 788 10. Drug Enforcement Administration number of the prescriber;
- 789 11. Date order written, which shall be the date the written certification was issued;
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- 794 12. Number of refills authorized;
 795 13. Order origin code;
 796 14. Patient last name;
 797 15. Patient first name;
 798 16. Patient street address;
 799 17. State;
 800 18. Payment code for either cash or third-party provider; and
 801 19. Drug name, which shall be the brand name of the marijuana product.
 802 B. A dispensary pharmacy shall transmit the information required pursuant to this section in such a
 803 manner as to insure the confidentiality of the information in compliance with all federal and Louisiana
 804 state statutes and regulations, including the federal Health Insurance Portability and Accountability Act
 805 of 1996, Public Law 104-191.
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807 **§2500. Security requirements for dispensary pharmacies**

- 808 A. A dispensary pharmacy shall:
 809 1. Not maintain marijuana in excess of the quantity required for normal, efficient operation;
 810 2. Store all marijuana in an approved safe or approved vault and in such a manner as to prevent
 811 diversion, theft or loss;
 812 3. Maintain all marijuana in a secure area or location accessible only to specifically authorized
 813 employees, which shall include only the minimum number of employees essential for efficient
 814 operation;
 815 4. Keep all approved safes and approved vaults securely locked and protected from entry, except for
 816 the actual time required to remove or replace marijuana;
 817 5. Keep all locks and security equipment in good working order;
 818 6. Not allow keys to be left in the locks and not store or place keys in a location accessible to persons
 819 other than specifically authorized employees;
 820 7. Not allow other security measures, such as combination numbers, passwords or electronic or
 821 biometric security systems, to be accessible to persons other than specifically authorized
 822 employees;
 823 8. Keep the dispensary pharmacy securely locked and protected from entry by unauthorized
 824 employees; and
 825 9. Post a sign at all entry ways into any area of the dispensary pharmacy containing marijuana,
 826 including a room with an approved safe or approved vault, which sign shall be a minimum of
 827 twelve inches in height and twelve inches in width which shall state: "Do Not Enter - Limited
 828 Access Area – Access Limited to Authorized Employees Only" in lettering no smaller than one-
 829 half inch in height.
 830 B. If a dispensary pharmacy presents special security issues, such as an extremely large stock of
 831 marijuana, exposed handling or unusual vulnerability to diversion, theft or loss, the board may require
 832 additional safeguards, including, but not limited to, a supervised watchman service.
 833 C. If diversion, theft or loss of marijuana has occurred from a dispensary pharmacy, the board shall
 834 determine the appropriate storage and security requirements for all marijuana in such dispensary
 835 pharmacy, and may require additional safeguards to ensure the security of the marijuana.
 836 D. Any marijuana not stored in compliance with this section, or stored at a location other than that for
 837 which the dispensary pharmacy permit was issued, shall be subject to embargo or seizure by the
 838 board.
 839 E. Any dispensary pharmacy whose permit is revoked, suspended, or not renewed shall dispose of its
 840 entire stock of marijuana in accordance with the disposal provisions in this Subchapter.
 841 F. If a dispensary pharmacy has provided other safeguards which can be regarded in total as an adequate
 842 substitute for some element of protection required of such pharmacy, such added protection may be
 843 taken into account by the board in evaluating overall required security measures.
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845 **§2500. Security alarm systems; minimum requirements for dispensary pharmacies**

- 846 A. All dispensary pharmacies shall have an adequate security system to prevent and detect diversion, theft

- 847 or loss of marijuana utilizing commercial grade equipment, which shall, at a minimum, include:
- 848 1. A perimeter alarm;
- 849 2. Motion detector;
- 850 3. Video cameras in all areas that may contain marijuana and at all points of entry and exit, which
- 851 shall be appropriate for the normal lighting conditions of the area under surveillance. The
- 852 dispensary pharmacy shall direct cameras at all approved safes, approved vaults, dispensing areas,
- 853 marijuana sales areas and any other area where marijuana is being stored or handled. At entry and
- 854 exit points, the dispensary pharmacy shall angle cameras so as to allow for the capture of clear and
- 855 certain identification of any person entering or exiting the pharmacy;
- 856 4. Twenty-four hour recordings from all video cameras, which the dispensary pharmacy shall make
- 857 available for immediate viewing by the board or the board's authorized representative upon
- 858 request and shall retain for at least thirty days. If a dispensary pharmacy is aware of a pending
- 859 criminal, civil or administrative investigation or legal proceeding for which a recording may
- 860 contain relevant information, the dispensary pharmacy shall retain an unaltered copy of the
- 861 recording until the investigation or proceeding is closed or the entity conducting the investigation
- 862 or proceeding notifies the dispensary pharmacy that it is not necessary to retain the recording;
- 863 5. Duress alarm, which for purposes of this subsection means a silent security alarm system signal
- 864 generated by the entry of a designated code into an arming station in order to signal that the alarm
- 865 user is being forced to turn off the system;
- 866 6. Panic alarm, which for purposes of this subsection means an audible security alarm system signal
- 867 generated by the manual activation of a device intended to signal a life threatening or emergency
- 868 situation requiring a law enforcement response;
- 869 7. Holdup alarm, which for purposes of this subsection means a silent alarm signal generated by the
- 870 manual activation of a device intended to signal a robbery in progress;
- 871 8. Automatic voice dialer, which for purposes of this subsection means any electrical, electronic,
- 872 mechanical, or other device capable of being programmed to send a prerecorded voice message,
- 873 when activated, over a telephone line, radio or other communication system, to a law enforcement,
- 874 public safety or emergency services agency requesting dispatch;
- 875 9. A failure notification system that provides an audible, text or visual notification of any failure in
- 876 the surveillance system. The failure notification system shall provide an alert to the dispensary
- 877 pharmacy within five minutes of the failure, either by telephone, email, or text message;
- 878 10. The ability to immediately produce a clear color still photo that is a minimum of 9600 dpi from
- 879 any camera image (live or recorded);
- 880 11. A date and time stamp embedded on all recordings. The date and time shall be synchronized and
- 881 set correctly and shall not significantly obscure the picture; and
- 882 12. The ability to remain operational during a power outage.
- 883 B. A dispensary pharmacy shall maintain all security system equipment and recordings in a secure
- 884 location so as to prevent theft, loss, destruction or alterations.
- 885 C. In addition to the requirements listed in subsection (a) of this section, each production facility shall
- 886 have a back-up alarm system approved by the board that shall detect unauthorized entry during times
- 887 when no employees are present at the pharmacy and that shall be provided by a company supplying
- 888 commercial grade equipment, which shall not be the same company supplying the primary security
- 889 system.
- 890 D. A dispensary pharmacy shall limit access to surveillance areas to persons that are essential to
- 891 surveillance operations, law enforcement agencies, security system service employees, the board's
- 892 authorized representative, and others when approved by the board. A dispensary pharmacy shall make
- 893 available a current list of authorized employees and service employees that have access to the
- 894 surveillance room to the board upon request. A dispensary pharmacy shall keep all on-site surveillance
- 895 rooms locked and shall not use such rooms for any other function.
- 896 E. A dispensary pharmacy shall keep the outside perimeter of the dispensary pharmacy premises well-lit.
- 897 F. All video recordings shall allow for the exporting of still images in an industry standard image format,
- 898 including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary
- 899 format that ensures authentication of the video and guarantees that no alteration of the recorded image
- 900 has taken place. Exported video shall also have the ability to be saved in an industry standard file

- 901 format that can be played on a standard computer operating system. A dispensary pharmacy shall erase
902 all recordings prior to disposal or sale of the pharmacy.
903 G. A dispensary pharmacy shall keep all security equipment in good working order and shall test such
904 equipment no less than two times per year.
905

906 **§2500. Dispensary reportable events**

- 907 A. Upon becoming aware of discrepancies identified during inventory, diversion, theft, loss, or
908 unauthorized destruction of any marijuana or of any loss or unauthorized alteration of records related
909 to marijuana or qualifying patients, a dispensary pharmacy shall immediately notify:
910 1. Appropriate law enforcement authorities; and
911 2. The board.
912 B. A dispensary pharmacy shall provide the written notice to the board by way of a signed statement
913 which details the circumstances of the event, including an accurate inventory of the quantity and brand
914 names of marijuana diverted, stolen, lost, destroyed or damaged and confirmation that the local law
915 enforcement authorities were notified. A dispensary pharmacy shall make such notice no later than
916 twenty-four hours after discovery of the event.
917 C. A dispensary pharmacy shall notify the board no later than the next business day, followed by written
918 notification no later than ten business days, of any of the following:
919 1. An alarm activation or other event that requires response by public safety personnel;
920 2. A breach of security;
921 3. The failure of the security alarm system due to a loss of electrical support or mechanical
922 malfunction that is expected to last longer than eight hours; and
923 4. Corrective measures taken, if any.
924 D. A dispensary pharmacy shall maintain and shall make available all documentation related to an
925 occurrence that is reportable.
926

927 **§2500. Disposal of marijuana**

- 928 A. A dispensary pharmacy, laboratory, law enforcement or court official or the board or the board's
929 authorized representative shall dispose of undesired, excess, unauthorized, obsolete, adulterated,
930 misbranded or deteriorated marijuana in the following manner:
931 1. By surrender without compensation of such marijuana to the board or the board's authorized
932 representative; or
933 2. By disposal in the presence of an authorized representative of the board in such a manner as to
934 render the marijuana non-recoverable.
935 B. The person disposing of the marijuana shall maintain and make available a separate record of each such
936 disposal indicating:
937 1. The date and time of disposal;
938 2. The manner of disposal;
939 3. The brand name and quantity of marijuana disposed of; and
940 4. The signatures of the persons disposing of the marijuana, the authorized representative of the board
941 and any other persons present during the disposal.
942

943 **§2500. Inventory**

- 944 A. Each dispensary pharmacy, prior to commencing business, shall:
945 1. Conduct an initial comprehensive inventory of all marijuana at the pharmacy. If a pharmacy
946 commences business with no marijuana on hand, the dispensary pharmacy shall record this fact as
947 the initial inventory; and
948 2. Establish ongoing inventory controls and procedures for the conduct of inventory reviews and
949 comprehensive inventories of marijuana, which shall enable the pharmacy to detect any diversion,
950 theft or loss in a timely manner.
951 B. Upon commencing business, each dispensary pharmacy shall conduct a weekly inventory of marijuana
952 stock, which shall include, at a minimum, the date of the inventory, a summary of the inventory
953 findings, the name, signature and title of the individuals who conducted the inventory, the date of

- 954 receipt of marijuana, the name and address of the producer from whom received, where applicable, and
 955 the kind and quantity of marijuana received. The record of all marijuana sold, dispensed or otherwise
 956 disposed of shall show the date of sale, the name of the dispensary pharmacy, qualifying patient or
 957 primary caregiver to whom the marijuana was sold, the address of such person and the brand and
 958 quantity of marijuana sold.
- 959 C. A complete and accurate record of all stocks or brands of marijuana on hand shall be prepared annually
 960 on the anniversary of the initial inventory or such other date that the dispensary pharmacy may
 961 choose, so long as it is not more than one year following the prior year's inventory.
- 962 D. All inventories, procedures and other documents required by this section shall be maintained on the
 963 premises and made available for at least two years.
- 964 E. Whenever any sample or record is removed by a person authorized to enforce the provisions of these
 965 sections for the purpose of investigation or as evidence, such person shall tender a receipt in lieu
 966 thereof and the receipt shall be kept for a period of at least two years.

967
 968 **§2500. Marketing: prohibited conduct, statements and illustrations; board review of**
 969 **advertisements**

- 970 A. A dispensary pharmacy shall not cooperate, directly or indirectly, in any advertising if such advertising
 971 has the purpose or effect of steering or influencing patient or caregiver choice with regard to the
 972 selection of a physician, dispensary or marijuana product.
- 973 B. An advertisement for marijuana or any marijuana product shall not contain:
- 974 1. Any statement that is false or misleading in any material particular
 - 975 2. Any statement that falsely disparages a competitor's products;
 - 976 3. Any statement, design, or representation, picture or illustration that is obscene or indecent;
 - 977 4. Any statement, design, representation, picture or illustration that encourages or represents the use
 978 of marijuana for a condition other than a debilitating medical condition authorized by La. R.S.
 979 40:1046;
 - 980 5. Any statement, design, representation, picture or illustration that encourages or represents the
 981 recreational use of marijuana;
 - 982 6. Any statement, design, representation, picture or illustration related to the safety or efficacy of
 983 marijuana, unless supported by substantial evidence or substantial clinical data;
 - 984 7. Any statement, design, representation, picture or illustration portraying anyone under the age of
 985 eighteen, objects suggestive of the presence of anyone under the age of eighteen, or containing the
 986 use of a figure, symbol or language that is customarily associated with anyone under the age of
 987 eighteen;
 - 988 8. Any offer of a prize, award or inducement to a qualifying patient, primary caregiver or physician
 989 related to the purchase of marijuana or a certification for the use of marijuana; or
 - 990 9. Any statement that indicates or implies that the product or entity in the advertisement has been
 991 approved or endorsed by the board, the state of Louisiana or any person or entity associated with
 992 the state of Louisiana.
- 993 C. Any advertisement for marijuana or a marijuana product shall be submitted to the board at the same
 994 time as, or prior to, the dissemination of the advertisement.
- 995 D. The submitter of the advertisement shall provide the following information in addition to the
 996 advertisement itself:
- 997 1. A cover letter that:
 - 998 a. Provides the following subject line: Medical marijuana advertisement review package for a
 999 proposed advertisement for (Brand Name);
 - 1000 b. Provides a brief description of the format and expected distribution of the proposed
 1001 advertisement; and
 - 1002 c. Provides the submitter's name, title, address, telephone number, fax number, and email
 1003 address;
 - 1004 2. An annotated summary of the proposed advertisement showing every claim being made in the
 1005 advertisement and which references support for each claim;
 - 1006 3. Verification that a person identified in an advertisement as an actual patient or health care

- 1007 practitioner is an actual patient or health care practitioner and not a model or actor;
- 1008 4. Verification that a spokesperson who is represented as an actual patient is indeed an actual patient;
- 1009 5. Verification that an official translation of a foreign language advertisement is accurate;
- 1010 6. Annotated references to support disease or epidemiology information, cross-referenced to the
- 1011 advertisement summary; and
- 1012 7. A final copy of the advertisement, including a video where applicable, in a format acceptable to
- 1013 the board.
- 1014 F. Advertising packages that are missing any of the elements in subsection (d) of this section, or that fail
- 1015 to follow the specific instructions for submissions, shall be considered incomplete. If the board
- 1016 receives an incomplete package, it shall so notify the submitter.
- 1017 F. The board may:
- 1018 1. Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the
- 1019 board determines that the advertisement would be false or misleading without such a disclosure; or
- 1020 2. Make recommendations with respect to changes that are:
- 1021 a. Necessary to protect the public health, safety and welfare; or
- 1022 b. Consistent with dispensing information for the product under review.
- 1023 3. If appropriate and if information exists, recommend statements for inclusion in the advertisement to
- 1024 address the specific efficacy of the drug as it relates to specific disease states, disease symptoms and
- 1025 population groups.
- 1026

1027 **§2500. Marijuana advertising; requirements for true statements and fair balance**

- 1028 A. All advertisements for marijuana or marijuana products that make a statement relating to side effects,
- 1029 consequences, contraindications and effectiveness shall present a true statement of such information.
- 1030 When applicable, advertisements broadcast through media such as radio, television, or other electronic
- 1031 media shall include such information in the audio or audio and visual parts of the presentation.
- 1032 B. False or misleading information in any part of the advertisement shall not be corrected by the inclusion
- 1033 of a true statement in another distinct part of the advertisement.
- 1034 C. An advertisement does not satisfy the requirement that it present a “true statement” of information
- 1035 relating to side effects, consequences, contraindications, and effectiveness if it fails to present a fair
- 1036 balance between information relating to side effects, consequences, contraindications and effectiveness
- 1037 in that the information relating to effectiveness is presented in greater scope, depth, or detail than is the
- 1038 information relating to side effects, consequences and contraindications, taking into account all
- 1039 implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and
- 1040 any other techniques apt to achieve emphasis.
- 1041 D. An advertisement is false, lacking in fair balance, or otherwise misleading if it:
- 1042 1. Contains a representation or suggestion that a marijuana strain, brand or product is better, more
- 1043 effective, useful in a broader range of conditions or patients or safer than other drugs or treatments
- 1044 including other marijuana strains or products, unless such a claim has been demonstrated by
- 1045 substantial evidence or substantial clinical experience;
- 1046 2. Contains favorable information or opinions about a marijuana product previously regarded as valid
- 1047 but which have been rendered invalid by contrary and more credible recent information;
- 1048 3. Uses a quote or paraphrase out of context or without citing conflicting information from the same
- 1049 source, to convey a false or misleading idea;
- 1050 4. Uses a study on individuals without a debilitating medical condition without disclosing that the
- 1051 subjects were not suffering from a debilitating medical condition;
- 1052 5. Uses data favorable to a marijuana product derived from patients treated with a different product or
- 1053 dosages different from those approved in the state of Louisiana;
- 1054 6. Contains favorable information or conclusions from a study that is inadequate in design, scope, or
- 1055 conduct to furnish significant support for such information or conclusions; or
- 1056 7. Fails to provide adequate emphasis for the fact that two or more facing pages are part of the same
- 1057 advertisement when only one page contains information relating to side effects, consequences and
- 1058 contraindications.
- 1059 E. No advertisement may be disseminated if the submitter of the advertisement has received information

1060 that has not been widely publicized in medical literature that the use of the marijuana product or strain
1061 may cause fatalities or serious damage to a patient.
1062

1063 **§2500. Marijuana marketing; advertising at a dispensary pharmacy; advertising of prices**

- 1064 A. dispensary pharmacy shall:
- 1065 1. Restrict external signage to a single sign no larger than sixteen inches in height by eighteen inches
1066 in width;
 - 1067 2. Not illuminate a dispensary pharmacy sign advertising a marijuana product at any time;
 - 1068 3. Not advertise marijuana brand names or utilize graphics related to marijuana or paraphernalia on
1069 the exterior of the dispensary pharmacy or the building in which the dispensary pharmacy is
1070 located; and
 - 1071 4. Not display marijuana and paraphernalia so as to be clearly visible from the exterior of a
1072 dispensary pharmacy.
- 1073 B. A pharmacy shall not advertise the price of its marijuana, except that it may make a price list available
1074 to a patient.
1075

1076 **§2500. Dispensary pharmacy records; furnishing of information; audits**

- 1077 A. Each dispensary pharmacy shall maintain a complete set of all records necessary to fully show the
1078 business transactions related to marijuana for a period of the current tax year and the two immediately
1079 prior tax years, all of which shall be made available to the board upon request.
- 1080 B. The board may require any licensee or registrant to furnish such information as the board considers
1081 necessary for the proper administration of La.R.S.40:1046, and may require an audit of the business of
1082 any dispensary pharmacy and the expense thereof shall be paid by such dispensary pharmacy.
1083

1084 **§2500. Inspection of records; entry on premises**

- 1085 A. Every person required to prepare, obtain or keep records, logs, reports or other documents, and every
1086 person in charge, or having custody, of such documents, shall maintain such documents in an auditable
1087 format for no less than two-years. Upon request, such person shall make such documents immediately
1088 available-for inspection and copying by the board or the board's authorized-representative. In
1089 complying with this section, no person shall use a foreign language, codes or-symbols to designate
1090 marijuana types or persons in the keeping of any required document.
- 1091 B. The board or the board's authorized representative, is authorized:
- 1092 1. To enter, at reasonable times, any place, including a vehicle, in which marijuana is held, dispensed,
1093 sold, produced, delivered, transported, manufactured or otherwise disposed of;
 - 1094 2. To inspect within reasonable limits and in a reasonable manner, such place and all pertinent
1095 equipment, finished and unfinished material, containers and labeling, and all things therein
1096 including records, files, financial data, sales data, shipping data, pricing data, employee data,
1097 research, papers, processes, controls and facilities; and
 - 1098 3. To inventory any stock of marijuana therein and obtain samples of any marijuana or marijuana
1099 product, any labels or containers for marijuana, paraphernalia, and of any finished and unfinished
1100 material.
1101