

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2440. 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; and
 - 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.
- 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 liability insurers, and financial institutions with which they maintain depository relationships before engaging in the activities described herein.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

§2441. Definitions

- A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section:
 - “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.
 - “Advertisement” means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of marijuana;
 - “Agent” means an authorized person who acts on behalf of or at the direction of another person. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman;
 - “Approved safe” means a safe which conforms to or exceeds all of the following standards:

51 (1) Shall have the following specifications or the equivalent: 30 man-minutes against surreptitious
52 entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-
53 hours against radiological techniques;
54 (2) If it weighs less than 750 pounds, is bolted or cemented to the floor or wall in such a way it
55 cannot be readily removed; and
56 (3) Depending upon the quantities stored, is equipped with an alarm system which, upon
57 attempted unauthorized entry, shall transmit a signal directly to a central protection company or a
58 local or state police agency which has a legal duty to respond, or a 24-hour control station
59 operated by the licensee, or such other protection as the board or its designee may approve.

60 “*Approved vault*” means (1) a vault constructed before, or under construction on, September 1, 1971,
61 which is of substantial construction with a steel door, combination or key lock, and an alarm system; or
62 (2) a vault constructed after September 1, 1971:

63 (a) the walls, floors, and ceilings of which are constructed of at least 8 inches of reinforced
64 concrete or other substantial masonry, reinforced vertically and horizontally with 1/2 inch steel
65 rods tied 6 inches on center, or the structural equivalent to such reinforced walls, floors, and
66 ceilings;
67 (b) the door and frame unit of which vault shall conform to the following specifications or the
68 equivalent: 30 man-minutes against surreptitious entry, 10 man-minutes against forced entry, 20
69 man-hours against lock manipulation, and 20 man-hours against radiological techniques;
70 (c) which vault, if operations require it to remain open for frequent access, is equipped with a “day
71 gate” which is self-closing and self-locking or the equivalent, for use during the hours of operation
72 in which the vault door is open;
73 (d) the walls or perimeter of which are equipped with an alarm which, upon unauthorized entry
74 shall transmits a signal directly to a central station protection company, or a local or state police
75 agency which has a legal responsibility to respond, or a 24-hour control station operated by the
76 licensee, or such other protection as the board or its designee may approve, and, if necessary,
77 alarm buttons at strategic points of entry to the perimeter area of the vault.
78 (e) the door of which shall be equipped with a contact switches; and.
79 (f) which vault has one of the following:

80 i. Complete electrical lacing of the walls, floor and ceiling;
81 ii. Sensitive ultrasonic equipment within the vault;
82 iii. Sensitive sound accumulator system; or
83 iv. Such other device designed to detect illegal entry as may be approved by the board.

84 “*Board*” means the Louisiana Board of Pharmacy.

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

87 “*Department*” means the Louisiana Department of Health and Hospitals, or its successor.

88 “*Financial interest*” means any actual, or a future right to, ownership, investment or compensation
89 arrangement with another person, either directly or indirectly, through business, investment or family.
90 “*Financial interest*” does not include ownership of investment securities in a publicly-held corporation
91 that is traded on a national exchange or over-the-counter market, provided the investment securities held
92 by such person do not exceed five per cent of the total number of shares issued by the corporation;

93 “*Marijuana*” means all parts of plants of the genus *Cannabis*, whether growing or not; the seeds
94 thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt,
95 derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks
96 of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other
97 compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin
98 extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of
99 germination;

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

103 “*Marijuana pharmacy owner*” means any person with a direct or indirect financial interest in a
104 marijuana pharmacy, except the term does not include a person with an investment interest through a

publicly held company provided the interest held by such person does not exceed five per cent of the total ownership or interest rights in such dispensary pharmacy and such person does not participate directly or indirectly in the control, management or operation of the dispensary pharmacy;
“*Marijuana product*” means any product containing marijuana, including raw materials, that requires no further processing and that is packaged for sale to dispensaries, qualifying patients and primary caregivers;

“*Owner’s managing officer*” means the person designated by the organization owning the dispensary pharmacy to be responsible to the board for the proper operation of the dispensary pharmacy in compliance with all applicable laws and regulations.

“*Paraphernalia*” refers to equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing into the human body, any controlled substance contrary to the provisions of this Subchapter including, but not limited to:

- (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances;
- (5) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances;
- (6) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (7) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (8) Capsules, balloons, envelopes, and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- (9) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- (10) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;
- (11) Objects used, intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs or ice pipes or chillers.

“*Pharmacist*” means an individual currently licensed by the board to engage in the practice of pharmacy;

“*Pharmacy technician*” means an individual who assists in the practice of pharmacy under the direct and immediate supervision of a licensed pharmacist and is currently certified to do so by the board;

“*Physician*” means an individual currently licensed by to practice medicine by the Louisiana State Board of Medical Examiners;

“*Prescription monitoring program*” means the electronic prescription drug monitoring program established by-La. R.S. 40:1001 *et seq.*;

“*Producer*” means a person licensed by the Louisiana Department of Agriculture to cultivate marijuana for palliative use;

159 "Production" or "produce" means the manufacture, planting, preparation, cultivation, growing,
 160 harvesting, propagation, compounding, conversion or processing of marijuana, either directly or
 161 indirectly by extraction from substances of natural origin, or independently by means of chemical
 162 synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or
 163 repackaging of the substance or labeling or relabeling of its container, except that this term does not
 164 include the preparation or compounding of marijuana by a patient or caregiver for the patient's use;
 165 "Production facility" means a secure, indoor facility where the production of marijuana occurs and that
 166 is operated by a person to whom the Louisiana Department of Agriculture has issued a producer license.
 167 "Sale" is any form of delivery, which includes barter, exchange or gift, or offer therefor, and each such
 168 transaction made by any person whether as principal, proprietor, agent, servant or employee;
 169 "Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixtures or
 170 preparations of such leaves and flowers, that are appropriate for the palliative use of marijuana, but does
 171 not include the seeds, stalks and roots of the marijuana plant; and
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174 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR
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176 §2443. Marijuana pharmacy permit

- 177 A. The board shall develop and configure a pharmacy permit designated as a marijuana pharmacy permit.
 178 B. The dispensing of marijuana for therapeutic purposes shall be restricted to those pharmacies holding a
 179 marijuana pharmacy permit issued by the board, and only when that permit is in active or restricted
 180 status.
 181 C. When issued to a successful applicant, the permit will authorize the operation of a marijuana pharmacy
 182 in compliance with the provisions of this Subchapter.
 183 D. The ownership of the organization applying for the permit, as well as the specific location for which
 184 the permit is sought, shall be fully disclosed in the application form submitted to the board, and further,
 185 when the permit is issued, it shall be valid only for the owner and the specific location noted on the
 186 application and recorded on the permit.
 187 E. A marijuana pharmacy permit is non-transferable from one owner to another owner, and moreover, in
 188 the event the ownership of the organization that acquired the permit changes by fifty percent or more,
 189 then the ownership will be deemed sufficiently different as to require a new marijuana pharmacy
 190 permit. A marijuana pharmacy permit owner continuing to operate a marijuana pharmacy after its
 191 ownership has changed by fifty percent or more without obtaining a new marijuana pharmacy permit
 192 shall be deemed guilty of operating a pharmacy without a valid permit, in violation of R.S. 37:1221.
 193 F. The board shall not have more than ten active marijuana pharmacy permits at any given time. To
 194 facilitate compliance with that legislative restriction, the board recognizes the nine regions previously
 195 declared by the department, to wit:
 196 1. *Metropolitan*, composed of the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard;
 197 2. *Capitol*, composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville,
 198 Pointe Coupee, West Baton Rouge, and West Feliciana;
 199 3. *Teche*, composed of the parishes of Assumption, Lafourche, St. Charles, St. James, St. John, St.
 200 Mary, and Terrebonne;
 201 4. *Acadian*, composed of the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St.
 202 Martin, and Vermilion;
 203 5. *Southwest*, composed of the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson
 204 Davis;
 205 6. *Central*, composed of the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides,
 206 Vernon, and Winn;
 207 7. *Northwest*, composed of the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto,
 208 Natchitoches, Red River, Sabine, and Webster;
 209 8. *Northeast*, composed of the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln,
 210 Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll; and
 211 9. *Southeast*, composed of the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and
 212 Washington.

- 213 G. To achieve an equitable distribution of the marijuana pharmacy permits across the state, the board shall
214 not issue more than one marijuana pharmacy permit within each of the nine regions describe above.
215 However, when each of the nine regions has a marijuana pharmacy permit located therein, and the
216 board is convinced of the need for one additional permit, then it may issue one additional marijuana
217 pharmacy permit to a second location within one region. Further expansion will require a legislative
218 amendment of the original restriction.
- 219 H. When the board is prepared to receive and process applications for and issue marijuana pharmacy
220 permits, it shall publish on its Internet web site, and in such other places as the board deems
221 appropriate, a notice to that effect. Such notice shall include, but not be limited to:
222 1. The maximum number of permits to be awarded;
223 2. Information on how to obtain an application;
224 3. The deadline for receipt of applications;
225 4. Acceptable methods for submitting an application;
226 5. The preferred locations, if any, for the marijuana pharmacy permits; and
227 6. The criteria that shall be considered in awarding the marijuana pharmacy permits.
- 228 I. Following the deadline for receipt of applications, the board shall evaluate each complete and timely
229 submitted application and award marijuana pharmacy permits on a competitive basis based on the
230 criteria set out in the notice for applications. In the event the board determines there are an insufficient
231 number of qualified applicants to award all of the dispensary pharmacy permits the board has
232 determined are desirable, the board may republish, in accordance with this section, a notice of open
233 applications for dispensary pharmacy permits.
- 234 J. The board shall have the right to amend the notice of open applications prior to the deadline for
235 submitting an application. Such amended notice shall be published in the same manner as the original
236 notice of open applications.
- 237 K. The board shall have the right to cancel a notice of open applications prior to the award of a marijuana
238 pharmacy permit.
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240 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

241 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR
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243 §2445. Licensing procedures

- 244 A. Application for Initial Issuance of Permit
- 245 1. The board shall develop an application form suitable for the marijuana pharmacy permit. The
246 board may revise that application form on its own initiative in order to collect the information it
247 deems necessary to properly evaluate an applicant.
 - 248 2. The board shall not process applications received by facsimile, or that are incomplete, or
249 submitted with the incorrect fee.
 - 250 3. The applicant shall fully disclose the ownership of the entity that will own the permit as well as
251 any additional holding companies that may exist, such that any natural person with any ownership
252 interest shall be fully identified.
 - 253 4. In the event any person holding any ownership interest in the entity submitting an application for a
254 marijuana pharmacy permit has engaged in any of the following activities, the entity shall be
255 disqualified and the board shall not issue a marijuana pharmacy permit to that applicant:
 - 256 a. Within the five year period preceding the date of the application, has made a contribution to a
257 candidate in a Louisiana election governed by the provisions of the Campaign Finance
258 Disclosure Act [R.S. 14:1481]; or
 - 259 b. Within the two year period preceding the date of the application, the person or any member of
260 the person's immediate family held a position in state service, including but not limited to, a
261 legislator, statewide public official, state employee, or member of the board. For the purposes
262 of this Section, "immediate family" has the same meaning as provided in R.S. 42:1102 [*his*
263 *children and the spouses of his children, his brothers and their spouses, his sisters and their*
264 *spouses, his parents, his spouse, and the parents of his spouse*].
 - 265 5. The applicant shall provide a complete street address reflecting the location at which the applicant
266 proposes to operate the marijuana pharmacy.

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6. The applicant shall provide the following information and records in the application process:
 - a. A detailed description of any other services or products to be offered by the marijuana pharmacy;
 - b. Details regarding the applicant's plans to maintain adequate control against the diversion, theft, or loss of marijuana;
 - c. Documents or information sufficient to establish the applicant is authorized to conduct business in Louisiana and that all applicable state and local building, fire and zoning requirements, and local ordinances will be met;
 - d. Text and graphic materials showing the exterior appearance of the proposed marijuana pharmacy and its site compatibility with commercial or residential structures already constructed or under construction within the immediate neighborhood;
 - e. A blueprint of the proposed marijuana pharmacy which shall, at a minimum, show and identify:
 - i. The square footage of the area which will constitute the prescription department;
 - ii. The square footage of the overall marijuana pharmacy;
 - iii. The square footage and location of areas used as storerooms or stockrooms;
 - iv. The size of the counter that will be used for the dispensing and sale of marijuana;
 - v. The location of the marijuana pharmacy sink and refrigerator, if any;
 - vi. The location of all approved safes and vaults that will be used to store marijuana;
 - vii. The location of the toilet facilities;
 - viii. The location of the break room and location of lockers for personal belongings;
 - ix. The location and size of the patient counseling area(s);
 - x. The location(s) where any other products or services will be offered; and
 - xi. The location of all areas that may contain marijuana showing the location of walls, partitions, counters, and all areas of ingress and egress.
 - f. Such other documents and information reasonably required by the board to determine the applicant's suitability for permitting or to protect the public's health and safety.
 7. The owner's managing officer and the pharmacist-in-charge shall be fully identified within the application and they both shall sign and date the application form.
 8. The applicant shall direct the following persons to submit to the criminal history record check process used by the board, at the applicant's expense:
 - a. The owner's managing officer;
 - b. The pharmacist-in-charge; and
 - c. Any person holding any share of ownership in the entity; provided however that any person not holding any share of ownership but holding a corporate officer position in the entity may be required to submit to the criminal history record check.
 9. The requirement for a criminal history record check may be waived by the board in the event the person has already completed that process for the board within the two year period prior to the date of the application.
 10. The applicant shall supplement the application form with sufficient documentation of the applicant's financial capacity to properly operate a marijuana pharmacy, including but not limited to, evidence of his ability to maintain an escrow account of at least one million dollars in a financial institution headquartered in Louisiana.
 11. In the event any information contained in the application or accompanying documents changes after being submitted to the board, the applicant shall immediately notify the board in writing and provide corrected information in a timely manner so as not to disrupt the application processing or permit selection process.
 12. The board may verify information contained in each application and accompanying documentation in order to assess the applicant's character and fitness to operate a marijuana pharmacy. The board may verify the information and assess the applicant's character and fitness by, among other actions:
 - a. Contacting the applicant by telephone, electronic mail, mail, or such other means as is reasonable under the circumstances;

- 320 b. Conducting one or more on-site visits of the location for the proposed marijuana pharmacy, or
321 other pharmacies associated with the applicant or any of the applicant's owners;
- 322 c. Conducting background checks or contacting references of the applicant, its managing officer,
323 any of the corporate officers, or any shareholder, as well as the pharmacist-in-charge;
- 324 d. Contacting state regulators in any other states where the applicant, the applicant's owners or
325 corporate officers, or its pharmacist-in-charge are engaged in, or have sought to be engaged
326 in, any aspect of that state's medical marijuana program; or
- 327 e. Requiring a personal meeting with the owner's managing officer and the pharmacist-in-charge
328 and the submission of additional information or documents.
- 329 13. The application shall be accompanied by payment of the non-refundable application fee authorized
330 by R.S. 37:1184.
- 331 14. When the staff has determined an entity's application package is complete, the application shall be
332 referred to the board's Application Review Committee, and further, the applicant shall be properly
333 notified at least thirty days prior to the committee's hearing during which their application will be
334 considered.
- 335 15. When the staff has determined that an entity's application package is complete, the application
336 shall be referred to the board's Application Review Committee, and the applicant shall be properly
337 notified at least thirty days prior to the committee's hearing during which their application will be
338 considered.
- 339 16. During the hearing held by the board's Application Review Committee, the members shall
340 consider, but are not limited to, the following criteria when evaluating an application for a
341 marijuana pharmacy permit:
- 342 a. The character and fitness of the owner's managing officer, the pharmacist-in-charge, any of
343 the owners and any other person who may have control or influence over the operation of the
344 proposed marijuana pharmacy;
- 345 b. The location for the proposed marijuana pharmacy including, but not limited to:
- 346 i. Its proximity to previously approved marijuana pharmacies or locations of proposed
347 marijuana pharmacies with pending applications;
- 348 ii. Whether the patient population in the area proposed by the marijuana pharmacy permit
349 applicant justifies the need for a marijuana pharmacy, or an additional marijuana
350 pharmacy, in that area;
- 351 iii. Whether the proximity of the proposed marijuana pharmacy will have a detrimental
352 effect upon any place used primarily for religious worship, public or private school,
353 convent, charitable institution, whether supported by private or public funds, hospital or
354 veterans' home or any camp or military establishment; or
- 355 iv. Whether the number of marijuana pharmacies in the locality is such that the granting of a
356 permit is detrimental to the public interest. In reaching a conclusion in this respect, the
357 board may consider the population of, the number of like permits and number of all -
358 permits existent in, the particular municipality and the immediate neighborhood
359 concerned, the effect that a new permit may have on such town or neighborhood or on
360 like permits existent in such municipality or neighborhood.
- 361 c. The applicant's ability to maintain adequate control against the diversion, theft and loss of
362 marijuana;
- 363 d. The applicant's ability to maintain the knowledge, understanding, judgment, procedures,
364 security controls and ethics to ensure optimal safety and accuracy in the dispensing and sale
365 of marijuana; and
- 366 e. The extent to which the applicant or any of the applicant's owners have a financial interest in
367 any other permittee, licensee, registrant, or other applicant currently or previously
368 credentialed by the board; and
- 369 f. Any other reason provided by any federal law or rule or state law or rule that is not
370 inconsistent with the Act.
- 371 17. Following their evaluation of the applications for a marijuana pharmacy permit, the committee
372 shall develop a recommendation for presentation to the board at the board's next meeting. The

- 373 board may accept the committee's recommendation, select an alternative applicant, reject all of the
374 applicants, or return all the applicants to the committee for their reconsideration.
- 375 18. The board may disqualify any applicant who:
- 376 a. Submits an incomplete, false, inaccurate, or misleading application;
- 377 b. Fails to submit an application by the published deadline; or
- 378 c. Fails to pay all applicable fees.
- 379 19. The decision of the board to award or not to award a marijuana pharmacy permit to an applicant
380 shall be final.
- 381 20. Upon the approval of an application and notice of the pending award of the marijuana pharmacy
382 permit, the applicant shall tender the pharmacy permit fees authorized by R.S. 37:1184 and R.S.
383 40:1013. Upon receipt of the proper fees, the board shall issue the marijuana pharmacy permit and
384 state controlled dangerous substance license to the applicant.
- 385 21. If an applicant has been awarded a marijuana pharmacy permit and has not commenced operation
386 of such pharmacy within 180 days of being notified of the marijuana pharmacy permit award, the
387 board may, in the board's discretion, rescind such marijuana pharmacy permit, unless such delay
388 was caused by an Act of God. A marijuana pharmacy shall be deemed to have commenced
389 operation if the pharmacy is capable of operating in accordance with the applicant's approved
390 application. In the event a marijuana pharmacy permit is rescinded pursuant to this subsection, the
391 board shall award a marijuana pharmacy permit by selecting among the qualified applicants who
392 applied for the marijuana pharmacy permit subject to rescission. If no other qualified applicant
393 applied for such marijuana pharmacy permit or satisfied the criteria for awarding a permit, the
394 board shall publish, in accordance with this section, a notice of open applications for marijuana
395 pharmacy permits.
- 396 B. Application for Renewal of Permit
- 397 1. All marijuana pharmacy permits expire at midnight on December 31 of every year, regardless of
398 the date of its initial issuance.
- 399 2. The owner's managing officer and pharmacist-in-charge of the marijuana pharmacy permit shall
400 complete, sign and date a permit renewal application form supplied by the board, and further, shall
401 include all information requested on the form and include the pharmacy permit renewal fee and
402 state controlled dangerous substance license renewal fee authorized in R.S. 37:1184 prior to the
403 expiration the pharmacy permit.
- 404 3. The board shall not process applications received by facsimile, or that are incomplete, or
405 submitted with the incorrect fees.
- 406 4. In the event the pharmacy does not submit a properly completed renewal application form and fee
407 to the board prior to the expiration of the permit, the permit shall be rendered null and void. A
408 marijuana pharmacy shall not operate with an expired permit. Evidence it has done so will
409 provide sufficient basis for the board to discipline the permit for violation of R.S. 37:1241(12).
- 410 5. An application for the late renewal of an expired (lapsed) marijuana pharmacy permit that is
411 received in the board office no later than thirty days after the expiration date of the permit may be
412 processed by the board staff, provided the appropriate delinquent fee authorized in R.S. 37:1184 is
413 included with the application.
- 414 6. A marijuana pharmacy permit not renewed by thirty days after the expiration date shall be
415 automatically terminated by the board.
- 416 7. An application for the reinstatement of a terminated marijuana pharmacy permit shall be referred
417 to the board's Reinstatement Committee for its consideration.
- 418 C. Application for Reinstatement of Lapsed, Suspended, or Revoked Marijuana Pharmacy Permits
- 419 1. The applicant shall complete an application form for this specific purpose supplied by the board;
420 the application shall require the inclusion of the annual renewal fee, the delinquent fee, and the
421 reinstatement fees authorized in R.S. 37:1184 and the program fee authorized in R.S. 40:1013.
- 422 2. An application for the reinstatement of a terminated marijuana pharmacy permit which has been
423 expired:
- 424 a. less than one year may be approved by the board's administrative officers;
- 425 b. more than one year but less than five years may be approved by a member of the board
426 charged with such duties; or

- 427 c. more than five years may only be approved by the full board following a hearing to determine
 428 whether the reinstatement of the permit is in the public's best interest.
- 429 3. An application for the reinstatement of a marijuana pharmacy permit previously suspended or
 430 revoked by the board may only be approved by the full board following a hearing to determine
 431 whether the reinstatement of the permit is in the public's best interest.
- 432 4. An application requiring a reinstatement hearing shall be accompanied by payment of the
 433 administrative hearing fee identified in R.S. 37:1184.
- 434 D. Maintenance of Marijuana Pharmacy Permit
- 435 1. A marijuana pharmacy permit is valid only for the entity or person to whom it is issued and shall
 436 not be subject to sale, assignment or other transfer, voluntary or involuntary, nor shall the permit
 437 be valid for any premises other than the business location recorded thereon.
- 438 2. A duplicate or replacement permit shall be issued upon the written request of the licensee and
 439 payment of the fee authorized in R.S. 37:1184. A duplicate or replacement license shall not serve
 440 or be used an additional or second license.
- 441 3. Prior to any person affiliating with a marijuana pharmacy, including any change in the ownership
 442 of the permit, such person shall comply with the credentialing requirements of the board. No
 443 person shall commence their affiliation with a marijuana pharmacy until approved by the board.
- 444 4. Prior to making any change in the marijuana pharmacy's name or trade name, the owner of the
 445 permit shall notify the board and request approval of the contemplated name or trade name. The
 446 board shall reasonably accommodate such requests, unless there is cause not to do so, e.g.,
 447 duplicative or misleading names. The marijuana pharmacy shall not change its name or trade
 448 name until approved by the board.
- 449 5. Prior to any modification, remodeling, expansion, reduction, other physical, non-cosmetic
 450 alteration of the marijuana pharmacy, the owner of the permit shall notify the board and request
 451 approval of the contemplated change(s). The board shall reasonably accommodate such request,
 452 unless there is cause not to do so, e.g., inconsistent with operating requirements. The marijuana
 453 pharmacy shall not make such changes until approved by the board.
- 454 6. Prior to any change in the location of a marijuana pharmacy, the owner of the permit shall submit
 455 an application form for that purpose supplied by the board and pay the appropriate fee authorized
 456 in R.S. 37:1184. The board may require an inspection of the new location prior to the issuance of
 457 the permit for the new location. No marijuana pharmacy shall commence operation in a new
 458 location until approved by the board.
- 459 7. The owner of the pharmacy permit shall notify the board no later than ten days following a change
 460 in the pharmacist-in-charge for the marijuana pharmacy permit.
- 461 8. The owner of the pharmacy permit shall notify the board no later than ten days following a change
 462 in the owner's managing officer for the marijuana pharmacy permit.
- 463 9. In the event a marijuana pharmacy contemplates permanent closure, the pharmacist-in-charge shall
 464 notify the board in accordance with the rules governing the permanent closure of a pharmacy as
 465 described in Chapter 11 of the board's rules.

466
 467 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

468 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

469
 470 **§2447. Marijuana pharmacy personnel; therapeutic marijuana designation**

- 471 A. No person shall be employed by, or affiliated with, a marijuana pharmacy prior to their eighteenth
 472 birthday.
- 473 B. The owner's managing officer and all persons holding a professional credential from the board shall
 474 first obtain a Therapeutic Marijuana (TM) designation from the board before affiliating with a
 475 marijuana pharmacy.
- 476 C. The board may issue a TM designation to a person who has filed the application for that designation
 477 supplied by the board and has completed a criminal background check for the board within the two
 478 year period prior to the date of the application for the TM designation, and that person:

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1. Has been listed as an owner’s managing officer on an application for a marijuana pharmacy permit, or on a request to become a replacement owner’s managing officer for an existing marijuana pharmacy permit; or
 2. Holds one of the following professional credentials issued by the board – pharmacist, pharmacy intern, or certified pharmacy technician – and further, that professional credential was issued by the board at least two years prior to the date of the application for the TM designation, is in active status and has not been disciplined by the board within the two year period prior to the date of the application for the TM designation.
- D. The board may restrict, suspend, or revoke a TM designation for cause, but only pursuant to the Administrative Procedure Act.
- E. No pharmacist, pharmacy intern, or certified pharmacy technician may practice within a marijuana pharmacy in the absence of an active professional credential, an active TM designation, as well as access privileges to the state prescription monitoring program. A pharmacist may elect to not allow a pharmacy intern or pharmacy technician to function as his delegate with respect to access privileges to the state prescription monitoring program, but the pharmacist shall have such access. A pharmacy technician candidate shall not practice in a marijuana pharmacy.
- F. A pharmacist shall first acquire a Pharmacist-in-Charge (PIC) privilege, as described in §1105 of the board’s rules, and the TM designation, as described in this Section, before accepting an appointment as the PIC of a marijuana pharmacy.
1. The PIC of the marijuana pharmacy shall comply with the requirements of §1105 of the board’s rules.
 2. The PIC shall be responsible for notice to the board of all pharmacists, pharmacy interns, and pharmacy technicians practicing at the marijuana pharmacy. The PIC shall cause such notice to be received in the board office in written form (mail, fax, or electronic mail) no later than ten days after the arrival or departure of the pharmacist, pharmacy intern, or pharmacy technician.
- G. The PIC shall insure and document the initial and continuing competency of the entire professional staff to provide the pharmacy care services rendered at the marijuana pharmacy. At a minimum, the PIC shall provide access to education and training in the following domains:
1. Policies and procedures of the pharmacy, especially those relating to the tasks and functions that employee is expected to perform;
 2. Professional conduct, ethics, and patient confidentiality; and
 3. Developments in the therapeutic use of marijuana.
- Further, the PIC shall document such education and training, provide such records to the board when requested, and retain such records for at least two years after the employee disassociates with the pharmacy.
- H. The PIC shall comply with the professional supervision rules and ratios found in Chapter 7 (pharmacy interns) and Chapter 9 (pharmacy technicians) of the board’s rules.
- I. In addition to the scope of practice limitations found in Chapter 9 of the board’s rules, pharmacy technicians practicing in a marijuana pharmacy shall not:
1. Consult with a patient or the patient’s 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 issued the recommendation/prescription/order for marijuana to the 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 consultations 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 dispensed for the marijuana product or formulation recommended/prescribed/ordered by the physician or requested by the patient or his caregiver.
- J. Notwithstanding the provisions of Subsection I of this Section, a pharmacy technician may communicate with a physician who recommended/prescribed/ordered marijuana, or the physician’s

532 agent, to obtain a clarification on the recommendation/prescription/order, provided the supervising
533 pharmacist is aware of the request for the clarification.
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535 AUHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

536 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR
537

538 **§2449. Operation of marijuana pharmacy**

- 539 A. No person may operate a marijuana pharmacy without a marijuana pharmacy permit issued by the
540 board, and further, that permit shall be in active or restricted status. A pharmacist shall be on duty at
541 all times during the regular open hours of the marijuana pharmacy.
542 B. A marijuana pharmacy shall not dispense marijuana from, obtain marijuana from, or transfer marijuana
543 to, a location outside of the state of Louisiana.
544 C. A marijuana pharmacy shall not obtain, cultivate, deliver, transfer, transport, sell or dispense marijuana
545 except:
546 1. It may acquire marijuana from an authorized product pursuant to the provisions of R.S. 40:1046;
547 and
548 2. It may dispense and sell marijuana to a patient with a recommendation/prescription/ order for such
549 marijuana or the patient's caregiver.
550 D. No person at a marijuana pharmacy shall provide marijuana samples.
551 E. A marijuana pharmacy shall sell marijuana products only in the original sealed containers
552 or packaging as delivered by the producer, except that a pharmacist may remove the marijuana product
553 from the producer's child-resistant container or package and place the marijuana product in a non-
554 child-resistant, secure and light-resistant container upon a written request from the patient or caregiver
555 so long as all original labeling is maintained with the product.
556 F. Only a pharmacist may dispense marijuana, and only a pharmacist, pharmacy
557 intern, or pharmacy technician may sell marijuana to patients and caregivers. A pharmacy intern or
558 pharmacy technician may assist, under the direct supervision of a pharmacist, in the dispensing of
559 marijuana.
560 G. A marijuana pharmacy shall place all products sold to the patient or caregiver in an opaque package
561 that shall not indicate the contents of the package, the originating facility or in any other way cause
562 another person to believe that the package may contain marijuana.
563 H. A marijuana pharmacy shall not permit any person to enter the prescription department unless that
564 person's responsibilities necessitate access to the department and then for only as long as necessary to
565 perform the person's job duties.
566 I. While inside the pharmacy, all pharmacy employees shall wear name tags or similar forms of
567 identification that clearly identify them to the public, including their position at the pharmacy.
568 J. A marijuana pharmacy shall be open for qualifying patients and primary caregivers to purchase
569 marijuana products for a minimum of 10 hours per week.
570 1. A marijuana pharmacy that closes during its normal hours of operation shall implement
571 procedures to notify patients and caregivers of when the marijuana pharmacy will resume normal
572 hours of operation. Such procedures may include, but are not limited to, telephone system
573 messages and conspicuously posted signs.
574 2. In the event the pharmacist on duty leaves the prescription department, the prescription department
575 shall comply with the provisions of §1109 (temporary absence) or §1111 (closure) of the board's
576 rules.
577 K. A marijuana pharmacy shall provide information to patients and caregivers regarding the possession
578 and use of marijuana. Such informational material shall include information related to:
579 1. Limitations on the right to possess and use marijuana pursuant to R.S. 40:1046;
580 2. Safe techniques for proper use of marijuana and paraphernalia;
581 3. Alternative methods and forms of consumption or inhalation by which one can use marijuana;
582 4. Signs and symptoms of substance abuse; and
583 5. Opportunities to participate in substance abuse programs.
584 L. The marijuana pharmacy shall establish, implement and adhere to a written alcohol-free,

- 585 drug-free and smoke-free work place policy, which shall be available to the board upon request.
- 586 M. The receipt of all deliveries from producers shall be carried out under the direct supervision of a
- 587 pharmacist who shall be present to accept the delivery. Upon delivery, the marijuana shall immediately
- 588 be placed in an approved safe or approved vault within the pharmacy where marijuana is stored.
- 589 N. In the event a marijuana pharmacy intends to deliver a dispensed marijuana product to the patient or
- 590 caregiver, the pharmacy shall use its own drivers, and further, shall not place such products with a
- 591 postal service or any commercial carrier.
- 592 O. No marijuana pharmacy shall sell anything other than marijuana products; however, the pharmacy may
- 593 elect to sell over-the-counter (OTC) medications and/or durable medical equipment (DME) from the
- 594 same premises but outside the prescription department.
- 595 P. No marijuana shall be consumed on the premises of a marijuana pharmacy.
- 596 Q. No person associated with a marijuana pharmacy shall enter into any agreement with a physician or
- 597 health care facility concerning the provision of services or equipment that may adversely affect any
- 598 person's freedom to choose the marijuana pharmacy at which the patient or caregiver will purchase
- 599 marijuana.
- 600 R. No marijuana shall be sold, dispensed or distributed via a delivery service or any other manner outside
- 601 of a marijuana pharmacy, except that a caregiver may deliver marijuana to the caregiver's patient.
- 602 S. No marijuana shall be sold when the marijuana pharmacy is closed and not open for business.
- 603 T. Board representatives, local law enforcement or other federal, state or local government officials may
- 604 enter any area of a marijuana pharmacy if necessary to perform their governmental duties.
- 605 U. Right of inspection. The board, or its agent, representative, or designee, is authorized:
- 606 1. To enter a marijuana pharmacy at any time during its hours of operation, or any other place,
- 607 including a vehicle, wherein marijuana is held, dispensed, sold, or otherwise disposed of;
- 608 2. To inspect within reasonable limits and in a reasonable manner, such place and all pertinent
- 609 equipment, finished and unfinished material, containers and labeling, and all things therein,
- 610 including records, files, financial data, sales data, shipping data, pricing data, employee data,
- 611 research, papers, processes, controls and facilities; and
- 612 3. To inventory any stock of marijuana therein and obtain samples of any marijuana or marijuana
- 613 product, any labels or containers for marijuana, paraphernalia, and of any finished and unfinished
- 614 material.
- 615 V. Inspection of records. Every person required to prepare, obtain or keep records, logs, reports or other
- 616 documents, and every person in charge, or having custody, of such documents shall maintain such
- 617 documents in an auditable format for no less than two years. Upon request, such person shall make
- 618 such documents immediately available for inspection and copying by the board or its authorized
- 619 representative. In complying with this Section, no person shall use a foreign language or codes or
- 620 symbols to designate marijuana types or persons in the keeping of any required document.
- 621

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

623 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

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625 §2451. Escrow Account Terms

- 626 A. The marijuana pharmacy's one million dollar escrow account, letter of credit or surety bond shall be
- 627 payable to the board in the event the board determines after a hearing that the marijuana pharmacy has
- 628 failed to timely and successfully complete the construction of a dispensary pharmacy or to continue to
- 629 operate such dispensary pharmacy in a manner that provides a substantially uninterrupted supply to its
- 630 usual customers during the term of the permit.
- 631 B. The board shall permit the dispensary pharmacy's one million dollar escrow account, letter of credit or
- 632 surety bond to be reduced by two hundred fifty thousand dollars upon the successful achievement of
- 633 each of the following milestones:
- 634 1. A determination by the board that the pharmacy is fully operational and able to commence
- 635 dispensing of marijuana as provided for in this Subchapter;
- 636 2. A determination by the board that the pharmacy remained operational without substantial
- 637 interruption and without any violation of law or regulation for a one year period; and

- 638 3. A determination by the board that the pharmacy remained operational without substantial
 639 interruption and without any violation of law or regulation for an additional two consecutive years.
 640 C. If a pharmacy voluntarily chooses not to renew the pharmacy permit and follows proper closure
 641 procedures, the board shall extinguish the obligations under the escrow account, letter of credit or
 642 surety bond at the end of the permit's term.
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644 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

645 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR
 646

647 §2453. Security requirements for marijuana pharmacies

- 648 A. A marijuana pharmacy shall:
 649 1. Store all marijuana in an approved safe or vault, as described in §2715.A.1 of the board's rules,
 650 and in such a manner as to prevent diversion, theft, or loss;
 651 2. Maintain all marijuana in a secure area or location accessible only to specifically authorized
 652 employees, which shall include only the minimum number of employees essential for efficient
 653 operation;
 654 1. Keep all approved safes and vaults securely locked and protected from entry, except for the actual
 655 time required to remove or replace marijuana;
 656 2. Keep all locks and security equipment in good working order;
 657 3. Not allow keys to be left in the locks and not store or place keys in a location accessible to persons
 658 other than specifically authorized employees;
 659 4. Not allow other security measures, such as combination numbers, passwords or electronic or
 660 biometric security systems, to be accessible to persons other than specifically authorized
 661 employees;
 662 5. Keep the pharmacy securely locked and protected from entry by unauthorized employees;
 663 6. Keep the outside perimeter of the pharmacy premises well-lit; and
 664 7. Post a sign at all entry ways into any area of the pharmacy containing marijuana, including a room
 665 with an approved safe or vault, which sign shall be a minimum of twelve inches in height and
 666 twelve inches in width which shall state: "*Do Not Enter – Limited Access Area – Access Limited*
 667 *to Authorized Employees Only*" in lettering no smaller than one-half inch in height.
 668 B. All dispensary pharmacies shall have an adequate security system to prevent and detect diversion, theft
 669 or loss of marijuana utilizing commercial grade equipment, which shall include at a minimum ~~include~~:
 670 1. A perimeter alarm;
 671 2. Motion detector;
 672 3. Video cameras in all areas that may contain marijuana and at all points of entry and exit, which
 673 shall be appropriate for the normal lighting conditions of the area under surveillance. The
 674 dispensary pharmacy shall direct cameras at all approved safes and vaults, dispensing areas,
 675 marijuana sales areas and any other area where marijuana is being stored or handled. At entry and
 676 exit points, the pharmacy shall angle cameras so as to allow for the capture of clear and certain
 677 identification of any person entering or exiting the pharmacy.
 678 4. Twenty-four hour recordings from all video cameras, which the pharmacy shall make available for
 679 immediate viewing by the board or its authorized representative upon request and shall retain for
 680 at least thirty days. If a pharmacy is aware of a pending criminal, civil, or administrative
 681 investigation or legal proceeding for which a recording may contain relevant information, the
 682 pharmacy shall retain an unaltered copy of the recording until the investigation or proceeding is
 683 closed or the entity conducting the investigation or proceeding notifies the pharmacy that it is not
 684 necessary to retain the recording.
 685 a. All video recordings shall allow for the exporting of still images in an industry standard
 686 image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be
 687 archived in a proprietary format that ensures authentication of the video and guarantees
 688 that no alteration of the recorded image has taken place. Exported video shall also have
 689 the ability to be saved in an industry standard file format that can be played on a standard

- 690 computer operating system. A pharmacy shall erase all recordings prior to disposal or
691 sale of the pharmacy.
- 692 5. Duress alarm, which for purposes of this Subsection means a silent security alarm system signal
693 generated by the entry of a designated code in into an arming station in order to signal that the
694 alarm user is being forced to turn off the system.
- 695 6. Panic alarm, which for purposes of this Subsection means an audible security alarm system signal
696 generated by the manual activation of a device intended to signal a life threatening or emergency
697 situation requiring a law enforcement response;
- 698 7. Holdup alarm, which for purposes of this Subsection means a silent alarm signal generated by the
699 manual activation of a device intended to signal a robbery in progress;
- 700 8. Automatic voice dialer, which for purposes of this Subsection means any electrical, electronic,
701 mechanical, or other device capable of being programmed to send a prerecorded voice message,
702 when activated, over a telephone line, radio or other communication system, to a law enforcement,
703 public safety or emergency services agency requesting dispatch;
- 704 9. A failure notification system that provides an audible, text or visual notification of any failure in
705 the surveillance system. The failure notification system shall provide an alert to the pharmacy
706 within five minutes of the failure, either by telephone, email, or text message;
- 707 10. The ability to immediately produce a clear color still photo that is a minimum of 9600 dpi from
708 any camera image (live or recorded);
- 709 11. A date and time stamp embedded on all recordings. The date and time shall be synchronized and
710 set correctly and shall not significantly obscure the picture; and
- 711 12. The ability to remain operational during a power outage.
- 712 C. In addition to the requirements listed in Subsection B above, the pharmacy shall have a back-up alarm
713 system that shall detect unauthorized entry during times when no employees are present at the
714 pharmacy and that shall be provided by a company supplying commercial grade equipment, which
715 shall not be the same company supplying the primary security system.
- 716 D. A pharmacy shall maintain all security system equipment and recordings in a secure location so as to
717 prevent theft, loss, destruction, or alterations.
- 718 1. A pharmacy shall keep all on-site surveillance rooms locked and shall not use such rooms for any
719 other function.
- 720 2. A pharmacy shall limit access to surveillance areas to persons that are essential to surveillance
721 operations, law enforcement agencies, security system service employees, and the board's
722 authorized representative.
- 723 3. A pharmacy shall make available to the board upon request a current list of authorized employees
724 and service employees that have access to the surveillance room.
- 725 E. A dispensary pharmacy shall keep all security equipment in good working order and shall test such
726 equipment no less than two times per year.
- 727 F. When a pharmacy presents special security issues, such as an extremely large stock of marijuana,
728 exposed handling or unusual vulnerability to, or actual, diversion, theft or loss, the board may require
729 additional safeguards, including but not limited to, a supervised watchman service.
- 730 G. Any marijuana not stored in compliance with this Section, or stored at a location other than that for
731 which the pharmacy permit was issued, shall be subject to embargo or seizure by the board.
- 732 H. In the event any marijuana pharmacy permit is revoked, suspended, or not renewed, the pharmacy shall
733 dispose of its entire stock of marijuana in accordance with the disposal provisions in this Subchapter.
- 734 I. If a pharmacy has provided other safeguards which can be regarded in total as an adequate substitute
735 for some element of protection required of the pharmacy, such added protection may be taken into
736 account by the board in evaluating overall required security measures.
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738 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

739 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

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743 §2455. Reportable security events

- 744 A. Upon becoming aware of discrepancies identified during inventory, diversion, theft, loss, or
745 unauthorized destruction of any marijuana, or of any loss or unauthorized alternation of records related
746 to marijuana or patients, a pharmacy shall immediately notify:
- 747 1. Appropriate law enforcement authorities; and
 - 748 2. The board.
- 749 B. A pharmacy shall provide the written notice to the board by way of a signed statement which details
750 the circumstances of the event, including an accurate inventory of the quantity and brand names of the
751 marijuana diverted, stolen, lost, destroyed, or damaged, along with confirmation that the local law
752 enforcement authorities were notified. A dispensary pharmacy shall make such notice no later than
753 twenty-four hours after discovery of the event.
- 754 C. A dispensary pharmacy shall notify the board no later than the next business day, followed by written
755 notification no later than ten business days, of any of the following:
- 756 1. An alarm activation or other event that requires response by public safety personnel;
 - 757 2. A breach of security;
 - 758 3. The failure of the security alarm system due to a loss of electrical support or mechanical
759 malfunction that is expected to last longer than eight hours; and
 - 760 4. Corrective measures taken, if any.
- 761 D. A dispensary pharmacy shall maintain and shall make available all documentation related to an
762 occurrence that is reportable.

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

765 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

766 §2457. Standards of practice

- 767 A. Environmental Standards
- 768 1. The prescription department shall be of sufficient size commensurate with the nature and scope of
769 practice. The space occupied by the prescription department shall be restricted to authorized
770 personnel only, as determined by the pharmacist-in-charge, and shall not be accessible to the
771 general public.
 - 772 2. The prescription department shall contain sufficient fixtures, equipment, and supplies
773 commensurate with the nature and scope of practice for that pharmacy.
 - 774 3. The prescription department shall include a sink with a hot and cold water supply, exclusive of
775 restroom facilities, with approved sewage disposal.
 - 776 4. All areas where drugs and devices are stored shall be dry, well-lighted, well-ventilated, and
777 maintained at temperatures which will ensure the integrity of drugs during their storage and prior
778 to their dispensing as stipulated by the United States Pharmacopeia and/or manufacturer's or
779 distributor's product labeling unless otherwise indicated by the board.
 - 780 5. The prescription department shall be secured by one or more physical barriers with suitable locks
781 and a monitored alarm system capable of detecting unauthorized entry, and further, complies with
782 security requirements identified elsewhere in this Subchapter.
 - 783 6. Prescription and other patient healthcare information shall be maintained in a manner that protects
784 the integrity and confidentiality of such information.
- 785 B. Minimum Staffing Requirements
- 786 1. There shall be at least one pharmacist on duty at all times the pharmacy is open for business.
 - 787 2. Every pharmacist practicing in the pharmacy shall possess a Louisiana pharmacist license in active
788 status, a Therapeutic Marijuana designation, and access privileges to the state prescription
789 monitoring program.
 - 790 3. A pharmacy intern may assist the pharmacist in the prescription department, but only when in
791 possession of a Louisiana pharmacy intern registration in active status as well as a Therapeutic
792 Marijuana designation. The supervising pharmacist may establish a delegate credential for the
793 pharmacy intern in the state prescription monitoring program.
 - 794

- 795 4. A pharmacy technician may assist the pharmacist in the prescription department, but only when in
796 possession of a Louisiana pharmacy technician certificate in active status as well as a Therapeutic
797 Marijuana designation. The supervising pharmacist may establish a delegate credential for the
798 pharmacy technician in the state prescription monitoring program.
- 799 5. No pharmacy technician candidate may practice in a marijuana pharmacy.
- 800 6. Additional clerical personnel may also be present at the pharmacy.
- 801 C. Operational Standards
- 802 1. The marijuana pharmacy shall comply with the provisions of Chapters 11, 25, 27, 29, and 31 of
803 the board's rules except when this Subchapter grants exceptions or imposes more stringent
804 requirements.
- 805 2. In the event the marijuana pharmacy intends to close permanently, the pharmacist-in-charge (PIC)
806 shall comply with the pharmacy closure procedures described in Chapter 11 of the board's rules,
807 and further, the owner of the pharmacy permit shall not prevent or interfere with the PIC's
808 performance of those tasks.
- 809 a. In addition to the other closure requirements, the closing pharmacy shall include in its notice
810 to the board and to the public the identification of the destination pharmacy where the closing
811 pharmacy's prescription records will be transferred. That destination pharmacy shall be the
812 marijuana pharmacy nearest the closing pharmacy, unless otherwise approved by the board.
- 813 D. Recordkeeping Requirements
- 814 1. Prescription/recommendation/order (hereinafter, "request") for marijuana
- 815 a. The pharmacy shall not accept a verbal request.
- 816 b. In the event the pharmacy receives a request in written form by facsimile, the pharmacy may
817 begin the preparation of the product to be dispensed, but the pharmacist shall not dispense the
818 product until the original form of the request is delivered to him in the pharmacy and he has
819 compared it to the product prepared for dispensing.
- 820 c. The written request shall bear the manual signature of the authorized prescriber. No other
821 form of signature shall be valid, including (but not limited to) stamps, computer generated
822 signatures, or signatures of anyone other than the authorized prescriber.
- 823 d. A request generated, signed, and transmitted in electronic format which is compliant with the
824 standards for electronic prescribing of controlled substances identified in 21 CFR 1311 (or its
825 successor) shall be construed as a validly formatted request.
- 826 2. When the pharmacy receives a request for marijuana from an authorized prescriber in written
827 form, the pharmacist shall cause the form to be scanned and filed using an electronic imaging
828 system in compliance with §1123 of the board's rules.
- 829 3. Request forms (and electronic images thereof) shall be retained on the pharmacy's premises for at
830 least two years after the date of dispensing, and further, shall be readily retrievable upon request
831 by the board.
- 832 4. Inventory of marijuana product
- 833 a. The pharmacist-in-charge shall develop and maintain a perpetual inventory of all marijuana
834 products acquired, held, dispensed, and disposed by the pharmacy.
- 835 b. The pharmacist-in-charge shall conduct an annual inventory of all marijuana products in the
836 possession of the pharmacy on any date which is within one year of the previous annual
837 inventory, and further, shall conduct additional inventory counts on the following occasions:
- 838 i. arrival of a new pharmacist-in-charge;
- 839 ii. discovery of any significant loss, disappearance, or theft of marijuana product;
- 840 iii. departure of a pharmacist-in-charge; and
- 841 iv. permanent closure of the pharmacy.
- 842 c. Inventory records shall be retained on the pharmacy's premises for at least two years after the
843 most recent entry.
- 844 5. The pharmacy shall develop and maintain sufficient records to fully reveal the business
845 transactions related to marijuana products, including their procurement and sale, for the current tax
846 year as well as the two immediately preceding tax years, all of which shall be made available to
847 the board upon request.

- 848 6. The board may require any pharmacy or its owners to furnish such information as the board
849 considers necessary for the proper administration of R.S. 40:1046, and may require a financial
850 audit of the business of any marijuana pharmacy, and the expense thereof shall be paid by the
851 marijuana pharmacy.
- 852 E. Professional Practice Standards
- 853 1. Prior to dispensing any marijuana product to a patient, the pharmacist shall review that patient's
854 records in the state prescription monitoring program. The pharmacist shall resolve any concerns
855 identified in that review by consultation with the authorized prescriber.
- 856 2. Labeling of marijuana product dispensed
- 857 a. The pharmacist shall not dispense any marijuana product that does not bear the producer label
858 required by the Louisiana Department of Agriculture, and further, the pharmacy dispensing
859 label shall not overlay or obscure the producer label in any way.
- 860 b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:
- 861 i. Name and address of the pharmacy dispensing the product;
- 862 ii. Telephone number or other contact information of the pharmacy dispensing the product;
- 863 iii. Name of the authorized prescriber;
- 864 v. Name of the patient;
- 865 vi. Date the product was dispensed;
- 866 vii. Prescription number, which shall be a unique identifier for that specific transaction;
- 867 viii. Name of the marijuana product, including any concentration, strength, or other identifiers
868 of the marijuana product;
- 869 ix. Quantity of marijuana dispensed;
- 870 x. Directions for use of the product as included in the prescriber's request;
- 871 xi. Expiration date of the product, which shall not exceed the expiration date determined by
872 the producer of the product; and
- 873 xii. Other information selected by the dispensing pharmacist to inform the patient as to the
874 best use of the product for the intended purpose.
- 875 3. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with
876 the reporting requirements as found in Chapter 29 of the board's rules.
- 877 4. Disposal of marijuana product.
- 878 a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is
879 determined to be misbranded, adulterated, expired, deteriorated, undesired, excess,
880 unauthorized, or unfit for dispensing; however, once accepted by the pharmacy, no marijuana
881 product may be returned to any producer.
- 882 b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the
883 product shall be removed from active dispensing stock and quarantined in the pharmacy
884 pending its disposal.
- 885 c. The pharmacist-in-charge shall select a method of disposal that renders the marijuana non-
886 recoverable.
- 887 d. The actual disposal of the marijuana product shall be conducted in the physical presence of the
888 board's authorized representative, or in the alternative, a representative from a local, state, or
889 federal law enforcement officer.
- 890 e. The pharmacist-in-charge shall prepare a record of each disposal, and that record shall contain,
891 at a minimum, the following information:
- 892 i. Brand name and other specific identifiers of the marijuana product disposed;
- 893 ii. Quantity of product disposed;
- 894 iii. Manner of disposal; and
- 895 iv. Signatures of the persons disposing the product as well as any other persons present
896 during the disposal process.

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

899 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

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Drafting Notes

1. Future drafts may include re-location of some of the previous material to more relevant sections. Comments will accompany such movement.

2. The final three sections below were included in the first draft, but have not yet been reviewed or discussed by the committee. Therefore, they are left intact but highlighted in this second draft.

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

- A. A dispensary pharmacy shall not cooperate, directly or indirectly, in any advertising if such advertising has the purpose or effect of steering or influencing patient or caregiver choice with regard to the selection of a physician, dispensary or marijuana product.
- B. An advertisement for marijuana or any marijuana product shall not contain:
1. Any statement that is false or misleading in any material particular
 2. Any statement that falsely disparages a competitor's products;
 3. Any statement, design, or representation, picture or illustration that is obscene or indecent;
 4. Any statement, design, representation, picture or illustration that encourages or represents the use of marijuana for a condition other than a debilitating medical condition authorized by La. R.S. 40:1046;
 8. Any statement, design, representation, picture or illustration that encourages or represents the recreational use of marijuana;
 9. Any statement, design, representation, picture or illustration related to the safety or efficacy of marijuana, unless supported by substantial evidence or substantial clinical data;
 10. Any statement, design, representation, picture or illustration portraying anyone under the age of eighteen, objects suggestive of the presence of anyone under the age of eighteen, or containing the use of a figure, symbol or language that is customarily associated with anyone under the age of eighteen;
 11. Any offer of a prize, award or inducement to a qualifying patient, primary caregiver or physician related to the purchase of marijuana or a certification for the use of marijuana; or
 12. Any statement that indicates or implies that the product or entity in the advertisement has been approved or endorsed by the board, the state of Louisiana or any person or entity associated with the state of Louisiana.
- C. Any advertisement for marijuana or a marijuana product shall be submitted to the board at the same time as, or prior to, the dissemination of the advertisement.
- D. The submitter of the advertisement shall provide the following information in addition to the advertisement itself:
1. A cover letter that:
 - a. Provides the following subject line: Medical marijuana advertisement review package for a proposed advertisement for (Brand Name);
 - b. Provides a brief description of the format and expected distribution of the proposed advertisement; and
 - c. Provides the submitter's name, title, address, telephone number, fax number, and email address;
 2. An annotated summary of the proposed advertisement showing every claim being made in the advertisement and which references support for each claim;
 1. Verification that a person identified in an advertisement as an actual patient or health care practitioner is an actual patient or health care practitioner and not a model or actor;
 4. Verification that a spokesperson who is represented as an actual patient is indeed an actual patient;
 5. Verification that an official translation of a foreign language advertisement is accurate;
 6. Annotated references to support disease or epidemiology information, cross-referenced to the advertisement summary; and

- 954 7. A final copy of the advertisement, including a video where applicable, in a format acceptable to
955 the board.
- 956 A. Advertising packages that are missing any of the elements in subsection (d) of this section, or that fail
957 to follow the specific instructions for submissions, shall be considered incomplete. If the board
958 receives an incomplete package, it shall so notify the submitter.
- 959 F. The board may:
- 960 1. Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the
961 board determines that the advertisement would be false or misleading without such a disclosure; or
- 962 2. Make recommendations with respect to changes that are:
- 963 a. Necessary to protect the public health, safety and welfare; or
- 964 b. Consistent with dispensing information for the product under review.
- 965 3. If appropriate and if information exists, recommend statements for inclusion in the advertisement to
966 address the specific efficacy of the drug as it relates to specific disease states, disease symptoms and
967 population groups.
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969 **§2500. Marijuana advertising; requirements for true statements and fair balance**

- 970 A. All advertisements for marijuana or marijuana products that make a statement relating to side effects,
971 consequences, contraindications and effectiveness shall present a true statement of such information.
972 When applicable, advertisements broadcast through media such as radio, television, or other electronic
973 media shall include such information in the audio or audio and visual parts of the presentation.
- 974 B. False or misleading information in any part of the advertisement shall not be corrected by the inclusion
975 of a true statement in another distinct part of the advertisement.
- 976 C. An advertisement does not satisfy the requirement that it present a “true statement” of information
977 relating to side effects, consequences, contraindications, and effectiveness if it fails to present a fair
978 balance between information relating to side effects, consequences, contraindications and effectiveness
979 in that the information relating to effectiveness is presented in greater scope, depth, or detail than is the
980 information relating to side effects, consequences and contraindications, taking into account all
981 implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and
982 any other techniques apt to achieve emphasis.
- 983 D. An advertisement is false, lacking in fair balance, or otherwise misleading if it:
- 984 1. Contains a representation or suggestion that a marijuana strain, brand or product is better, more
985 effective, useful in a broader range of conditions or patients or safer than other drugs or treatments
986 including other marijuana strains or products, unless such a claim has been demonstrated by
987 substantial evidence or substantial clinical experience;
- 988 2. Contains favorable information or opinions about a marijuana product previously regarded as valid
989 but which have been rendered invalid by contrary and more credible recent information;
- 990 3. Uses a quote or paraphrase out of context or without citing conflicting information from the same
991 source, to convey a false or misleading idea;
- 992 4. Uses a study on individuals without a debilitating medical condition without disclosing that the
993 subjects were not suffering from a debilitating medical condition;
- 994 5. Uses data favorable to a marijuana product derived from patients treated with a different product or
995 dosages different from those approved in the state of Louisiana;
- 996 6. Contains favorable information or conclusions from a study that is inadequate in design, scope, or
997 conduct to furnish significant support for such information or conclusions; or
- 998 7. Fails to provide adequate emphasis for the fact that two or more facing pages are part of the same
999 advertisement when only one page contains information relating to side effects, consequences and
1000 contraindications.
- 1001 A. No advertisement may be disseminated if the submitter of the advertisement has received information
1002 that has not been widely publicized in medical literature that the use of the marijuana product or strain
1003 may cause fatalities or serious damage to a patient.
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1005 **§2500. Marijuana marketing; advertising at a dispensary pharmacy; advertising of prices**

- 1006 A. dispensary pharmacy shall:

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