

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Dispensary Pharmacy

§25002440. 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; 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 liability insurers, and financial institutions with which they maintain depository relationships before engaging in the activities described herein.

Comment [MJB1]: 2015-0922: Should rule address risk to the consuming public? Since rule is directed to the licensee, risk to others is not addressed – but we could think about requiring that conversation as part of the patient counseling.

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

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

§2500. Purpose

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

Comment [MJB2]: Duplicative of 2440.A.2.

§25002441. 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.

Comment [MJB3]: Not used in rule.

52 “Administer” means the direct application of marijuana to the body of a qualifying patient by
 53 inhalation, ingestion or any other means.

54 “Advertisement” means all representations disseminated in any manner or by any means, other than by
 55 labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase
 56 of marijuana;

57 “Agent” means an authorized person who acts on behalf of or at the direction of another person. It does
 58 not include a common or contract carrier, public warehouseman, or employee of the carrier or
 59 warehouseman;

60 “Approved safe” means any safe(s) that has been approved prior to January 1, 1975 or any safe(s)
 61 which conforms to or exceeds all of the following standards:

62 (1) ~~Underwriters Laboratories, Inc. certified with a minimum of a B Burglary Rate Shall have the~~
 63 ~~following specifications or the equivalent: 30 man-minutes against surreptitious entry, 10 man-~~
 64 ~~minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-hours against~~
 65 ~~radiological techniques;~~

66 (2) ~~Underwriters Laboratories, Inc. certification as being equipped with a relocking device;~~

67 (2) ~~If it weighs less than 750 pounds, or more or rendered immobile by being securely anchored to~~
 68 ~~a permanent structure of the building is bolted or cemented to the floor or wall in such a way it~~
 69 ~~cannot be readily removed; and~~

70 (3) ~~Adequate interior space to store all controlled substances required to be kept within Depending~~
 71 ~~upon the quantities stored, is equipped with an alarm system which, upon attempted unauthorized~~
 72 ~~entry, shall transmit a signal directly to a central protection company or a local or state police~~
 73 ~~agency which has a legal duty to respond, or a 24-hour control station operated by the licensee, or~~
 74 ~~such other protection as the board or its designee may approve.~~

75 “Approved vault” means (1) a vault ~~approved prior to January 1, 1975 constructed before, or under~~
 76 ~~construction on, September 1, 1971, which is of substantial construction with a steel door, combination~~
 77 ~~or key lock, and an alarm system; or (2) a vault constructed after January 1, 1975 September 1, 1971:~~

78 (a) the walls, floors, and ceilings of which are constructed of at least 8 inches of reinforced
 79 concrete or other substantial masonry, reinforced vertically and horizontally with 1/2 inch steel
 80 rods tied 6 inches on center, or the structural equivalent to such reinforced walls, floors, and
 81 ceilings;

82 (b) the door ~~and frame unit~~ of the which vault shall ~~contain a multiple position combination lock~~
 83 ~~or the equivalent, a relocking device or equivalent and steel plate with a thickness of at least 1/2~~
 84 ~~inch. (The GSA Class 5 rated steel door meets all the qualifications for the vault door.) conform to~~
 85 ~~the following specifications or the equivalent: 30 man-minutes against surreptitious entry, 10 man-~~
 86 ~~minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-hours against~~
 87 ~~radiological techniques;~~

88 (c) ~~which vault, if operations require it to remain open for frequent access, the vault shall be is~~
 89 ~~equipped with a "day gate" which is self-closing and self-locking or the equivalent, if the~~
 90 ~~operation requires only that the vault be opened infrequently, such as to remove raw material in~~
 91 ~~the morning and return raw material at night, and is always relocked immediately after use, a "day~~
 92 ~~gate" is not required. for use during the hours of operation in which the vault door is open;~~

93 (d) the walls, floor, and ceiling of the vault shall be ~~or perimeter of which~~ are equipped with an
 94 alarm which, ~~when~~ upon unauthorized entry is attempted, shall transmit a signal directly to a
 95 central station protection company, or a local or state police agency which has a legal
 96 responsibility to respond, or a 24-hour control station operated by the ~~registrant licensee, or such~~
 97 ~~other protection as the board or its designee may approve, and, if necessary, due to local~~
 98 ~~conditions or other problems, holdup alarm buttons shall be placed at strategic points of entry to~~
 99 ~~the perimeter area of the vault.~~

100 (e) the vault door of which shall be equipped with a contact switches; and.

101 (f) The ~~which~~ vault shall have at least ~~has~~ one of the following:

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

Comment [MJB4]: Decision on inclusion delayed until cmte discusses marketing sections.

Comment [MJB5]: Amended to conform with our existing definition in Chapter 27.

Comment [MJB6]: Amended to conform with our existing definition in Chapter 27.

106 (7) The electrical alarm system shall be certified as being an Underwriters Laboratories, Inc.,
107 approved system and installation.

108 "Batch" means a specific harvest of marijuana or marijuana products that are identifiable by a batch
109 number, every portion or package of which is uniform within recognized tolerances for the factors that
110 were subject to a laboratory test and that appear in the labeling;

Comment [MJB7]: Although we may use this term elsewhere, it is not applicable to pharmacies.

111 "Board" means the Louisiana Board of Pharmacy.

112 "Bona fide physician-patient relationship" means a relationship in which the physician has ongoing
113 responsibility for the assessment, care and treatment of a patient's debilitating medical condition, or a
114 symptom of the patient's debilitating medical condition, for which the physician has certified to the
115 Louisiana State Board of Medical Examiners that the patient would benefit from the palliative use of
116 marijuana;

Comment [MJB8]: Term is established in rules from medical board.

117 "Debilitating" means a chronic medical condition that causes weakness or impairs the strength or
118 ability of an individual and has progressed to such an extent that it substantially limits one or more
119 major life activities of such individual. An assessment of whether a major life activity has been
120 substantially limited shall be guided by interpretations of the term "disability" as set forth in 42 USC
121 12102(1)(A);

Comment [MJB9]: More relevant for medical board rules.

122 "Debilitating medical condition" means:

Comment [MJB10]: Governed by statute and medical board.

- 123 (1) glaucoma;
- 124 (2) symptoms resulting from administration of cancer chemotherapy treatment;
- 125 (3) spastic quadriplegia; or
- 126 (4) any medical condition, medical treatment, or disease approved by the Louisiana State Board
127 of Medical Examiners.

128 "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another
129 of marijuana, whether or not there is an agency relationship;

130 "Department" means the Louisiana Department of Health and Hospitals, or its successor.

131 "Dispensary marijuana pharmacy" means that area within a facility where marijuana is stored,
132 dispensed and sold. If a dispensary facility does not offer any products or services other than marijuana
133 and paraphernalia, the entire dispensary facility is a dispensary marijuana pharmacy for purposes of this
134 Subchapter

Comment [MJB11]: Will re-locate in clean version.

135 "Dispensary marijuana pharmacy backer owner" means, except in cases where the dispensary is the
136 sole proprietor of a dispensary pharmacy, any person with a direct or indirect financial interest in a
137 dispensary marijuana pharmacy, except "dispensary pharmacy backer" the term does not include a
138 person with an investment interest in a dispensary pharmacy through a publicly held company provided
139 the interest held by such person and such person's co-workers, employees, spouse, parent or child, in the
140 aggregate, does not exceed five per cent of the total ownership or interest rights in such dispensary
141 pharmacy and such person does not participate directly or indirectly in the control, management or
142 operation of the dispensary pharmacy;

143 "Dispensary pharmacist in charge" means the dispensary pharmacist who has complete control and
144 management over the dispensary pharmacy;

Comment [MJB12]: Identified in rule.

145 "Dispensary pharmacy employee" means a dispensary pharmacist, dispensary technician, and all other
146 persons employed by a dispensary pharmacy or who otherwise have access to the dispensary pharmacy;

Comment [MJB13]: Not necessary.

147 "Dispensary technician" means an individual who has had an active pharmacy technician certificate
148 issued by the board and is affiliated with a dispensary pharmacy;

Comment [MJB14]: Identified elsewhere.

149 "Dispense" or "dispensing" means those acts of processing marijuana for delivery or for administration
150 for a qualifying patient pursuant to a written certification consisting of:

- 151 (1) Comparing the directions on the label with the instructions on the written certification, if any,
152 to determine accuracy;
- 153 (2) the selection of the appropriate marijuana product from stock;
- 154 (3) the affixing of a label to the container; and
- 155 (4) the provision of any instructions regarding the use of the marijuana;

Comment [MJB15]: Defined elsewhere in rules.

156 "Dispensing error" means an act or omission relating to the dispensing of marijuana that results in, or
157 may reasonably be expected to result in, injury to or death of a qualifying patient or results in any
158 detrimental change to the medical treatment for the patient;

Comment [MJB16]: Not used in rule.

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

Comment [MJB17]: Not used in rule.

164 ~~“Electronic data intermediary” means an entity that provides the infrastructure that connects the~~
165 ~~computer systems or other electronic devices utilized by dispensary pharmacies with those used by~~
166 ~~physicians or the board in order to facilitate the secure transmission of qualifying patient or primary~~
167 ~~caregiver information.~~

Comment [MJB18]: Not used in rule.

168 ~~“Financial interest” means any actual, or a future right to, ownership, investment or compensation~~
169 ~~arrangement with another person, either directly or indirectly, through business, investment or family.~~
170 ~~“Financial interest” does not include ownership of investment securities in a publicly-held corporation~~
171 ~~that is traded on a national exchange or over-the-counter market, provided the investment securities held~~
172 ~~by such person and such person’s co-workers, employees, spouse, parent or child, in the aggregate, do~~
173 ~~not exceed one-half of one five per cent of the total number of shares issued by the corporation;~~

174 ~~“Label” means a display of written, printed or graphic matter upon the immediate container of any~~
175 ~~product containing marijuana.~~

Comment [MJB19]: Not necessary.

176 ~~“Marijuana” means all parts of plants of the genus Cannabis, whether growing or not; the seeds~~
177 ~~thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt,~~
178 ~~derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks~~
179 ~~of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other~~
180 ~~compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin~~
181 ~~extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of~~
182 ~~germination;~~

183 ~~“Marijuana product” means any product containing marijuana, including raw materials, that requires no~~
184 ~~further processing and that is packaged for sale to dispensaries, qualifying patients and primary~~
185 ~~caregivers;~~

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

189 ~~“Palliative use” means the acquisition, distribution, transfer, possession, use or transportation of~~
190 ~~marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia~~
191 ~~relating to marijuana from the patient’s primary caregiver to the qualifying patient, to alleviate a~~
192 ~~qualifying patient’s symptoms of a debilitating medical condition or the effects of such symptoms, but~~
193 ~~does not include any such use of marijuana by any person other than the qualifying patient;~~

Comment [MJB20]: Not used in rule,

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

Comment [MJB21]: Amended to conform to existing definition in R.S. 40:1021.

- 200 (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing
- 201 or harvesting of any species of plant which is a controlled substance or from which a
- 202 controlled substance can be derived;
- 203 (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting,
- 204 producing, processing or preparing controlled substances;
- 205 (3) Isomerization devices used, intended for use or designed for use in increasing the potency of
- 206 any species of plant which is a controlled substance;
- 207 (4) Testing equipment used, intended for use or designed for use in identifying or analyzing the
- 208 strength, effectiveness or purity of controlled substances;
- 209 (5) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and
- 210 lactose used, intended for use or designed for use in cutting controlled substances;
- 211 (6) Separation gins and sifters used, intended for use or designed for use in removing twigs and
- 212 seeds from, or in otherwise cleaning or refining, marijuana;

- 213 (7) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed
- 214 for use in compounding controlled substances;
- 215 (8) Capsules, balloons, envelopes, and other containers used, intended for use or designed for use
- 216 in packaging small quantities of controlled substances;
- 217 (9) Containers and other objects used, intended for use or designed for use in storing or
- 218 concealing controlled substances;
- 219 (10) ~~In a quantity greater than thirty~~ hypodermic syringes, needles and other objects used, intended
- 220 for use or designed for use in parenterally injecting controlled substances into the human
- 221 body;
- 222 (11) Objects used, intended for use or designed for use in ingesting, inhaling, or otherwise
- 223 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: Metal,
- 224 wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent
- 225 screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices;
- 226 smoking and carburetion masks; roach clips, meaning objects used to hold burning material,
- 227 such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- 228 miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes;
- 229 air-driven pipes; chillums; bong or ice pipes or chillers.

~~“Pharmaceutical grade marijuana” means marijuana or marijuana products that are not adulterated and are:~~

- 232 (1) ~~Processed, packaged and labeled according to the Food and Drug Administration’s “Current~~
- 233 ~~Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations~~
- 234 ~~for Dietary Supplements;” 21 CFR 111;~~
- 235 (2) ~~Labeled with the results of an active ingredient analysis, a microbiological contaminants~~
- 236 ~~analysis, a mycotoxin analysis, a heavy metal analysis, and a pesticide chemical residue~~
- 237 ~~analysis which have been completed on a batch basis by a laboratory; and~~
- 238 (3) ~~Where each step of the production, cultivation, trimming, curing, manufacturing, processing,~~
- 239 ~~and packaging method has been documented by using established standard operation~~
- 240 ~~procedures approved by the Louisiana Department of Agriculture.~~

Comment [MJB22]: Although required by enabling legislation, more appropriate for rules targeted to producer instead of pharmacies.

~~“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.;~~

~~“Primary caregiver” or “caregiver” means a person, other than the qualifying patient and the qualifying patient’s physician, who is eighteen years of age or older and has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana, provided~~

- 253 (1) ~~in the case of a qualifying patient lacking legal capacity, such person shall be a parent,~~
- 254 ~~guardian or person having legal custody of such qualifying patient, and~~
- 255 (2) ~~the need for such person shall be evaluated by the qualifying patient’s physician and such~~
- 256 ~~need shall be documented in the written certification;~~

Comment [MJB23]: Let LSBME police this.

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

~~“Production” or “produce” means the manufacture, planting, preparation, cultivation, growing, harvesting, propagation, compounding, conversion or processing of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of marijuana by a patient or caregiver for the patient’s use;~~

Comment [MJB24]: Ok with first part of this definition, but not sure about this latter part.

~~“Production facility” means a secure, indoor facility where the production of marijuana occurs and that is operated by a person to whom the Louisiana Department of Agriculture has issued a producer license.~~

267 ~~“Qualifying patient” or “patient” means a person who is eighteen years of age or older, is a resident of~~
 268 ~~Louisiana and has been diagnosed by a physician as having a debilitating medical condition. This term~~
 269 ~~does not include an inmate confined in a correctional institution or facility under the supervision of the~~
 270 ~~Louisiana Department of Corrections;~~
 271 ~~“Sale” is any form of delivery, which includes barter, exchange or gift, or offer therefor, and each such~~
 272 ~~transaction made by any person whether as principal, proprietor, agent, servant or employee;~~
 273 ~~“Usable marijuana” means the dried leaves and flowers of the marijuana plant, and any mixtures or~~
 274 ~~preparations of such leaves and flowers, that are appropriate for the palliative use of marijuana, but does~~
 275 ~~not include the seeds, stalks and roots of the marijuana plant; and~~
 276 ~~“Written certification” means a written or electronically submitted statement issued by a physician to~~
 277 ~~the board certifying a patient for the palliative use of marijuana, which shall be submitted on a form and~~
 278 ~~in a manner prescribed by the board.~~

Comment [MJB25]: Let medical board police this.

Comment [MJB26]: Not used in rule

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

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

282 ~~§2500. Number of dispensary pharmacies~~

- 283 ~~A. Only a dispensary pharmacist at a dispensary pharmacy may dispense marijuana.~~
- 284 ~~B. The board shall issue no more than ten dispensary pharmacy permits upon a determination that~~
- 285 ~~dispensary pharmacies are desirable to assure access to marijuana for qualifying patients. Such~~
- 286 ~~determination shall be made based on the size and location of the dispensary pharmacies in operation,~~
- 287 ~~the number of qualifying patients and the convenience and economic benefits to qualifying patients.~~

Comment [MJB27]: Does not merit separate section; merged into §2443.E.

289 **§2443. Marijuana pharmacy permit**

- 290 A. The board shall develop and configure a pharmacy permit designated as a marijuana pharmacy permit.
- 291 B. ~~The dispensing of marijuana for therapeutic purposes shall be restricted to those pharmacies holding a~~
- 292 ~~marijuana pharmacy permit issued by the board, and only when that permit is in active or restricted~~
- 293 ~~status.~~
- 294 C. ~~When issued to a successful applicant, the permit will authorize the operation of a marijuana pharmacy~~
- 295 ~~in compliance with the provisions of this Subchapter.~~
- 296 D. ~~The ownership of the organization applying for the permit, as well as the specific location for which~~
- 297 ~~the permit is sought, shall be fully disclosed in the application form submitted to the board, and further,~~
- 298 ~~when the permit is issued, it shall be valid only for the owner and the specific location noted on the~~
- 299 ~~application and recorded on the permit.~~
- 300 E. ~~A marijuana pharmacy permit is non-transferable from one owner to another owner, and moreover, in~~
- 301 ~~the event the ownership of the organization that acquired the permit changes by fifty percent or more,~~
- 302 ~~then the ownership will be deemed sufficiently different as to require a new marijuana pharmacy~~
- 303 ~~permit. A marijuana pharmacy permit owner continuing to operate a marijuana pharmacy after its~~
- 304 ~~ownership has changed by fifty percent or more without obtaining a new marijuana pharmacy permit~~
- 305 ~~shall be deemed guilty of operating a pharmacy without a valid permit, in violation of R.S. 37:1221.~~
- 306 F. ~~The board shall not have more than ten active marijuana pharmacy permits at any given time. To~~
- 307 ~~facilitate compliance with that legislative restriction, the board recognizes the nine regions previously~~
- 308 ~~declared by the department, to wit:~~
 - 309 1. ~~Metropolitan, composed of the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard;~~
 - 310 2. ~~Capitol, composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville,~~
 - 311 ~~Pointe Coupee, West Baton Rouge, and West Feliciana;~~
 - 312 3. ~~Teche, composed of the parishes of Assumption, Lafourche, St. Charles, St. James, St. John, St.~~
 - 313 ~~Mary, and Terrebonne;~~
 - 314 4. ~~Acadian, composed of the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St.~~
 - 315 ~~Martin, and Vermilion;~~
 - 316 5. ~~Southwest, composed of the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson~~
 - 317 ~~Davis;~~

Comment [MJB28]: Note to self: only 63 parishes recorded here!

- 319 6. Central, composed of the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides,
320 Vernon, and Winn;
321 7. Northwest, composed of the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto,
322 Natchitoches, Red River, Sabine, and Webster;
323 8. Northeast, composed of the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln,
324 Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll; and
325 9. Southeast, composed of the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and
326 Washington.
327 G. To achieve an equitable distribution of the marijuana pharmacy permits across the state, the board shall
328 not issue more than one marijuana pharmacy permit within each of the nine regions describe above.
329 However, when each of the nine regions has a marijuana pharmacy permit located therein, and the
330 board is convinced of the need for one additional permit, then it may issue one additional marijuana
331 pharmacy permit to a second location within one region. Further expansion will require a legislative
332 amendment of the original restriction.
333 H. When the board is prepared to receive and process applications for and issue marijuana pharmacy
334 permits, it shall publish on its Internet web site, and in such other places as the board deems
335 appropriate, a notice to that effect. Such notice shall include, but not be limited to:
336 1. The maximum number of permits to be awarded;
337 2. Information on how to obtain an application;
338 3. The deadline for receipt of applications;
339 4. Acceptable methods for submitting an application;
340 5. The preferred locations, if any, for the marijuana pharmacy permits; and
341 6. The criteria that shall be considered in awarding the marijuana pharmacy permits.
342 I. Following the deadline for receipt of applications, the board shall evaluate each complete and timely
343 submitted application and award marijuana pharmacy permits on a competitive basis based on the
344 criteria set out in the notice for applications. In the event the board determines there are an insufficient
345 number of qualified applicants to award all of the dispensary pharmacy permits the board has
346 determined are desirable, the board may republish, in accordance with this section, a notice of open
347 applications for dispensary pharmacy permits.
348 J. The board shall have the right to amend the notice of open applications prior to the deadline for
349 submitting an application. Such amended notice shall be published in the same manner as the original
350 notice of open applications.
351 K. The board shall have the right to cancel a notice of open applications prior to the award of a marijuana
352 pharmacy permit.
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354 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

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

356

357 **§2445. Licensing procedures**

- 358 A. Application for Initial Issuance of Permit
359 1. The board shall develop an application form suitable for the marijuana pharmacy permit. The
360 board may revise that application form on its own initiative in order to collect the information it
361 deems necessary to properly evaluate an applicant.
362 2. The board shall not process applications received by facsimile, or that are incomplete, or
363 submitted with the incorrect fee.
364 3. The applicant shall fully disclose the ownership of the entity that will own the permit as well as
365 any additional holding companies that may exist, such that any natural person with any ownership
366 interest shall be fully identified.
367 4. In the event any person holding any ownership interest in the entity submitting an application for a
368 marijuana pharmacy permit has engaged in any of the following activities, the entity shall be
369 disqualified and the board shall not issue a marijuana pharmacy permit to that applicant:
370 a. Within the five year period preceding the date of the application, has made a contribution to a
371 candidate in a Louisiana election governed by the provisions of the Campaign Finance
372 Disclosure Act [R.S. 14:1481]; or

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- b. Within the two year period preceding the date of the application, the person or any member of the person's immediate family held a position in state service, including but not limited to, a legislator, statewide public official, state employee, or member of the board. For the purposes of this Section, "immediate family" has the same meaning as provided in R.S. 42:1102 [his children and the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse].
 5. The applicant shall provide a complete street address reflecting the location at which the applicant proposes to operate the marijuana pharmacy.
 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

- 426 provide corrected information in a timely manner so as not to disrupt the application processing or
427 permit selection process.
- 428 12. The board may verify information contained in each application and accompanying documentation
429 in order to assess the applicant's character and fitness to operate a marijuana pharmacy. The
430 board may verify the information and assess the applicant's character and fitness by, among other
431 actions:
- 432 a. Contacting the applicant by telephone, electronic mail, mail, or such other means as is
433 reasonable under the circumstances;
- 434 b. Conducting one or more on-site visits of the location for the proposed marijuana pharmacy, or
435 other pharmacies associated with the applicant or any of the applicant's owners;
- 436 c. Conducting background checks or contacting references of the applicant, its managing officer,
437 any of the corporate officers, or any shareholder, as well as the pharmacist-in-charge;
- 438 d. Contacting state regulators in any other states where the applicant, the applicant's owners or
439 corporate officers, or its pharmacist-in-charge are engaged in, or have sought to be engaged
440 in, any aspect of that state's medical marijuana program; or
- 441 e. Requiring a personal meeting with the owner's managing officer and the pharmacist-in-charge
442 and the submission of additional information or documents.
- 443 13. The application shall be accompanied by payment of the non-refundable application fee authorized
444 by R.S. 37:1184.
- 445 14. When the staff has determined an entity's application package is complete, the application shall be
446 referred to the board's Application Review Committee, and further, the applicant shall be properly
447 notified at least thirty days prior to the committee's hearing during which their application will be
448 considered.
- 449 15. When the staff has determined that an entity's application package is complete, the application
450 shall be referred to the board's Application Review Committee, and the applicant shall be properly
451 notified at least thirty days prior to the committee's hearing during which their application will be
452 considered.
- 453 16. During the hearing held by the board's Application Review Committee, the members shall
454 consider, but are not limited to, the following criteria when evaluating an application for a
455 marijuana pharmacy permit:
- 456 a. The character and fitness of the owner's managing officer, the pharmacist-in-charge, any of
457 the owners and any other person who may have control or influence over the operation of the
458 proposed marijuana pharmacy;
- 459 b. The location for the proposed marijuana pharmacy including, but not limited to:
- 460 i. Its proximity to previously approved marijuana pharmacies or locations of proposed
461 marijuana pharmacies with pending applications;
- 462 ii. Whether the patient population in the area proposed by the marijuana pharmacy permit
463 applicant justifies the need for a marijuana pharmacy, or an additional marijuana
464 pharmacy, in that area;
- 465 iii. Whether the proximity of the proposed marijuana pharmacy will have a detrimental
466 effect upon any place used primarily for religious worship, public or private school,
467 convent, charitable institution, whether supported by private or public funds, hospital or
468 veterans' home or any camp or military establishment; or
- 469 iv. Whether the number of marijuana pharmacies in the locality is such that the granting of a
470 permit is detrimental to the public interest. In reaching a conclusion in this respect, the
471 board may consider the population of, the number of like permits and number of all -
472 permits existent in, the particular municipality and the immediate neighborhood
473 concerned, the effect that a new permit may have on such town or neighborhood or on
474 like permits existent in such municipality or neighborhood.
- 475 c. The applicant's ability to maintain adequate control against the diversion, theft and loss of
476 marijuana;
- 477 d. The applicant's ability to maintain the knowledge, understanding, judgment, procedures,
478 security controls and ethics to ensure optimal safety and accuracy in the dispensing and sale
479 of marijuana; and

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- e. The extent to which the applicant or any of the applicant's owners have a financial interest in any other permittee, licensee, registrant, or other applicant currently or previously credentialed by the board; and
 - f. Any other reason provided by any federal law or rule or state law or rule that is not inconsistent with the Act.
17. Following their evaluation of the applications for a marijuana pharmacy permit, the committee shall develop a recommendation for presentation to the board at the board's next meeting. The board may accept the committee's recommendation, select an alternative applicant, reject all of the applicants, or return all the applicants to the committee for their reconsideration.
 18. The board may disqualify any applicant who:
 - a. Submits an incomplete, false, inaccurate, or misleading application;
 - b. Fails to submit an application by the published deadline; or
 - c. Fails to pay all applicable fees.
 19. The decision of the board to award or not to award a marijuana pharmacy permit to an applicant shall be final.
 20. Upon the approval of an application and notice of the pending award of the marijuana pharmacy permit, the applicant shall tender the pharmacy permit fees authorized by R.S. 37:1184 and R.S. 40:1013. Upon receipt of the proper fees, the board shall issue the marijuana pharmacy permit and state controlled dangerous substance license to the applicant.
 21. If an applicant has been awarded a marijuana pharmacy permit and has not commenced operation of such pharmacy within 180 days of being notified of the marijuana pharmacy permit award, the board may, in the board's discretion, rescind such marijuana pharmacy permit, unless such delay was caused by an Act of God. A marijuana pharmacy shall be deemed to have commenced operation if the pharmacy is capable of operating in accordance with the applicant's approved application. In the event a marijuana pharmacy permit is rescinded pursuant to this subsection, the board shall award a marijuana pharmacy permit by selecting among the qualified applicants who applied for the marijuana pharmacy permit subject to rescission. If no other qualified applicant applied for such marijuana pharmacy permit or satisfied the criteria for awarding a permit, the board shall publish, in accordance with this section, a notice of open applications for marijuana pharmacy permits.
- B. Application for Renewal of Permit
1. All marijuana pharmacy permits expire at midnight on December 31 of every year, regardless of the date of its initial issuance.
 2. The owner's managing officer and pharmacist-in-charge of the marijuana pharmacy permit shall complete, sign and date a permit renewal application form supplied by the board, and further, shall include all information requested on the form and include the pharmacy permit renewal fee and state controlled dangerous substance license renewal fee authorized in R.S. 37:1184 prior to the expiration the pharmacy permit.
 3. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fees.
 4. In the event the pharmacy does not submit a properly completed renewal application form and fee to the board prior to the expiration of the permit, the permit shall be rendered null and void. A marijuana pharmacy shall not operate with an expired permit. Evidence it has done so will provide sufficient basis for the board to discipline the permit for violation of R.S. 37:1241(12).
 5. An application for the late renewal of an expired (lapsed) marijuana pharmacy permit that is received in the board office no later than thirty days after the expiration date of the permit may be processed by the board staff, provided the appropriate delinquent fee authorized in R.S. 37:1184 is included with the application.
 6. A marijuana pharmacy permit not renewed by thirty days after the expiration date shall be automatically terminated by the board.
 7. An application for the reinstatement of a terminated marijuana pharmacy permit shall be referred to the board's Reinstatement Committee for its consideration.
- C. Application for Reinstatement of Lapsed, Suspended, or Revoked Marijuana Pharmacy Permits

- 533 1. The applicant shall complete an application form for this specific purpose supplied by the board;
 534 the application shall require the inclusion of the annual renewal fee, the delinquent fee, and the
 535 reinstatement fees authorized in R.S. 37:1184 and the program fee authorized in R.S. 40:1013.
 536 2. An application for the reinstatement of a terminated marijuana pharmacy permit which has been
 537 expired:
 538 a. less than one year may be approved by the board's administrative officers;
 539 b. more than one year but less than five years may be approved by a member of the board
 540 charged with such duties; or
 541 c. more than five years may only be approved by the full board following a hearing to determine
 542 whether the reinstatement of the permit is in the public's best interest.
 543 3. An application for the reinstatement of a marijuana pharmacy permit previously suspended or
 544 revoked by the board may only be approved by the full board following a hearing to determine
 545 whether the reinstatement of the permit is in the public's best interest.
 546 4. An application requiring a reinstatement hearing shall be accompanied by payment of the
 547 administrative hearing fee identified in R.S. 37:1184.
 548 D. Maintenance of Marijuana Pharmacy Permit
 549 1. A marijuana pharmacy permit is valid only for the entity or person to whom it is issued and shall
 550 not be subject to sale, assignment or other transfer, voluntary or involuntary, nor shall the permit
 551 be valid for any premises other than the business location recorded thereon.
 552 2. A duplicate or replacement permit shall be issued upon the written request of the licensee and
 553 payment of the fee authorized in R.S. 37:1184. A duplicate or replacement license shall not serve
 554 or be used an additional or second license.
 555 3. Prior to any person affiliating with a marijuana pharmacy, including any change in the ownership
 556 of the permit, such person shall comply with the credentialing requirements of the board. No
 557 person shall commence their affiliation with a marijuana pharmacy until approved by the board.
 558 4. Prior to making any change in the marijuana pharmacy's name or trade name, the owner of the
 559 permit shall notify the board and request approval of the contemplated name or trade name. The
 560 board shall reasonably accommodate such requests, unless there is cause not to do so, e.g.,
 561 duplicative or misleading names. The marijuana pharmacy shall not change its name or trade
 562 name until approved by the board.
 563 5. Prior to any modification, remodeling, expansion, reduction, other physical, non-cosmetic
 564 alteration of the marijuana pharmacy, the owner of the permit shall notify the board and request
 565 approval of the contemplated change(s). The board shall reasonably accommodate such request,
 566 unless there is cause not to do so, e.g., inconsistent with operating requirements. The marijuana
 567 pharmacy shall not make such changes until approved by the board.
 568 6. Prior to any change in the location of a marijuana pharmacy, the owner of the permit shall submit
 569 an application form for that purpose supplied by the board and pay the appropriate fee authorized
 570 in R.S. 37:1184. The board may require an inspection of the new location prior to the issuance of
 571 the permit for the new location. No marijuana pharmacy shall commence operation in a new
 572 location until approved by the board.
 573 7. The owner of the pharmacy permit shall notify the board no later than ten days following a change
 574 in the pharmacist-in-charge for the marijuana pharmacy permit.
 575 8. The owner of the pharmacy permit shall notify the board no later than ten days following a change
 576 in the owner's managing officer for the marijuana pharmacy permit.
 577 9. In the event a marijuana pharmacy contemplates permanent closure, the pharmacist-in-charge shall
 578 notify the board in accordance with the rules governing the permanent closure of a pharmacy as
 579 described in Chapter 11 of the board's rules.
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581 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

582 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR
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584 **§2500. Dispensary pharmacy permit selection**

- 585 A. ~~The board shall publish on its Internet web site, and in such other places as the board deems~~

Comment [MJB29]: Text transferred verbatim to §2443.H.

586 appropriate, a notice of open applications for dispensary pharmacy permits. Such notice shall include,
587 but not be limited to:

- 588 1. The maximum number of permits to be awarded;
- 589 2. Information on how to obtain an application;
- 590 3. The deadline for receipt of applications;
- 591 4. Acceptable methods for submitting an application;
- 592 5. The preferred locations, if any, for the dispensary pharmacy permits; and
- 593 6. The criteria that shall be considered in awarding the dispensary pharmacy permits.

594 B. ~~Following the deadline for receipt of applications, the board shall evaluate each complete and timely~~
595 ~~submitted application and award dispensary pharmacy permits on a competitive basis based on the~~
596 ~~criteria set out in the notice for applications. In the event the board determines that there are an~~
597 ~~insufficient number of qualified applicants to award all of the dispensary pharmacy permits that the~~
598 ~~board has determined are desirable, the board may republish, in accordance with this section, a notice~~
599 ~~of open applications for dispensary pharmacy permits.~~

Comment [MJB30]: Text transferred verbatim to §2443.I.

600 C. ~~The board shall consider, but is not limited to, the following criteria in evaluating dispensary pharmacy~~
601 ~~permit applications:~~

Comment [MJB31]: Text transferred to §2445.

- 602 1. The character and fitness of the dispensary pharmacist, dispensary pharmacy backers and any other
603 person who may have control or influence over the operation of the proposed dispensary
604 pharmacy;
- 605 2. The location for the proposed dispensary pharmacy including, but not limited to:
 - 606 a. Its proximity to previously approved dispensary pharmacies or pending dispensary pharmacy
607 applications;
 - 608 b. Whether the registered patient population in the area proposed by the dispensary pharmacy
609 applicant justifies the need for a dispensary pharmacy, or an additional dispensary pharmacy,
610 in that area;
 - 611 c. Whether the proximity of the proposed dispensary pharmacy will have a detrimental effect
612 upon any place used primarily for religious worship, public or private school, convent,
613 charitable institution, whether supported by private or public funds, hospital or veterans'
614 home or any camp or military establishment;
 - 615 d. Whether the number of dispensary pharmacies in the locality is such that the granting of a
616 permit is detrimental to the public interest. In reaching a conclusion in this respect, the board
617 may consider the population of, the number of like permits and number of all permits existent
618 in, the particular municipality and the immediate neighborhood concerned, the effect that a
619 new permit may have on such town or neighborhood or on like permits existent in such
620 municipality or neighborhood;
- 621 3. The applicant's ability to maintain adequate control against the diversion, theft and loss of
622 marijuana;
- 623 4. The applicant's ability to maintain the knowledge, understanding, judgment, procedures, security
624 controls and ethics to ensure optimal safety and accuracy in the dispensing and sale of marijuana;
625 and
- 626 5. The extent to which the applicant or any of the applicant's dispensary pharmacy backers have a
627 financial interest in another permittee, licensee, registrant or applicant credentialed by the board.
- 628 6. Any other reason provided by Louisiana state or federal statute or Louisiana state or federal
629 regulation that is not inconsistent with the Act.

630 D. ~~The board shall have the right to amend the notice of open applications prior to the deadline for~~
631 ~~submitting an application. Such amended notice shall be published in the same manner as the original~~
632 ~~notice of open applications.~~

Comment [MJB32]: Text transferred verbatim to §2443.J.

633 E. ~~The board shall have the right to cancel a notice of open applications prior to the award of a dispensary~~
634 ~~pharmacy permit.~~

Comment [MJB33]: Text transferred verbatim to §2443.K.

635 F. ~~The board may disqualify any applicant who:~~

- 636 1. Submits an incomplete, false, inaccurate, or misleading application;
- 637 2. Fails to submit an application by the published deadline; or
- 638 3. Fails to pay all applicable fees.

Comment [MJB34]: Paragraphs F-H transferred to §2445.A.

639 G. ~~The decision of the board not to award a dispensary pharmacy permit to an applicant shall be final.~~

640 H. If an applicant has been awarded a dispensary pharmacy permit and has not commenced operation of
 641 such pharmacy within one hundred twenty days of being notified of the dispensary pharmacy permit
 642 award, the board may, in the board's discretion, rescind such dispensary pharmacy permit, unless such
 643 delay was caused by an Act of God. A dispensary pharmacy shall be deemed to have commenced
 644 operation if the dispensary pharmacy is capable of operating in accordance with the dispensary
 645 pharmacy applicant's approved application. In the event a dispensary pharmacy permit is rescinded
 646 pursuant to this subsection, the board shall award a dispensary pharmacy permit by selecting among
 647 the qualified applicants who applied for the dispensary pharmacy permit subject to rescission. If no
 648 other qualified applicant applied for such dispensary pharmacy permit or satisfied the criteria for
 649 awarding a permit, the board shall publish, in accordance with this section, a notice of open
 650 applications for dispensary pharmacy permits.
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Comment [MJB35]: 2015-0922: Consider changing to 180 days.

652 **§2500. Dispensary pharmacy permit applications**

Comment [MJB36]: Most of the text has been moved verbatim to §2443.

- 653 A. Only a dispensary pharmacy that has obtained a permit from the board may sell marijuana to qualified
 654 patients and primary caregivers with a legitimate recommendation or medical order from an authorized
 655 prescriber.
 656 B. A dispensary pharmacy permit applicant shall submit an application form and the fees required by the
 657 Louisiana Pharmacy Practice Act, as well as all other required documentation on forms prescribed by
 658 the board.
 659 C. The applicant shall provide the following information and records in the application process:
 660 1. The name and address of the applicant, the applicant's dispensary pharmacy backers, if any, and
 661 the person who will serve as the dispensary pharmacist in charge if the application is approved;
 662 2. The location for the dispensary pharmacy that is to be operated under such license;
 663 3. A financial statement setting forth all elements and details of any business transactions connected
 664 with the application;
 665 4. A detailed description of any other services or products to be offered by the dispensary pharmacy;
 666 5. Details regarding the applicant's plans to maintain adequate control against the diversion, theft or
 667 loss of marijuana;
 668 6. Details of any felony conviction or of any criminal conviction related to controlled dangerous
 669 substances or legend drugs of the applicant, applicant's backers, or pharmacist in charge;
 670 7. Documents sufficient to establish that the applicant is authorized to conduct business in Louisiana
 671 and that all applicable state and local building, fire and zoning requirements and local ordinances
 672 will be met;
 673 8. Permission for the board to conduct a background check on the applicant and the applicant's
 674 backers, if any, for the purpose of determining if such applicant and applicant's backers are
 675 suitable to own and operate a dispensary pharmacy;
 676 9. Any business and marketing plans related to the operation of the dispensary pharmacy or the sale
 677 of marijuana;
 678 10. Text and graphic materials showing the exterior appearance of the proposed dispensary pharmacy
 679 and its site compatibility with commercial or residential structures already constructed or under
 680 construction within the immediate neighborhood;
 681 11. A blueprint of the proposed dispensary pharmacy, which shall, at a minimum, show and identify:
 682 a. The square footage of the area which will constitute the dispensary pharmacy;
 683 b. The square footage of the overall dispensary pharmacy;
 684 c. The square footage and location of areas used as storerooms or stockrooms;
 685 d. The size of the counter that will be used for selling marijuana;
 686 e. The location of the dispensary pharmacy sink and refrigerator, if any;
 687 f. The location of all approved safes and approved vaults that will be used to store marijuana;
 688 g. The location of the toilet facilities;
 689 h. The location of a break room and location of personal belonging lockers;
 690 i. The location and size of patient counseling area(s);
 691 j. The locations where any other products or services will be offered; and
 692 k. The location of all areas that may contain marijuana showing the location of walls, partitions;

- 693 — counters and all areas of ingress and egress;
- 694 — 12. Such other documents and information reasonably required by the board to determine the
- 695 — applicant's suitability for registration or to protect public health and safety.
- 696 D. In the event any information contained in the application or accompanying documents changes after
- 697 being submitted to the board, the applicant shall immediately notify the board in writing and provide
- 698 corrected information in a timely manner so as not to disrupt the permit selection process.
- 699 E. The board may verify information contained in each application and accompanying documentation in
- 700 order to assess the applicant's character and fitness to operate a dispensary pharmacy. The board may
- 701 verify the information and assess the applicant's character and fitness by, among other things:
- 702 1. Contacting the applicant by telephone, mail, electronic mail or such other means as is reasonable
- 703 — under the circumstances;
- 704 2. Conducting an on-site visit of the proposed dispensary pharmacy location or other dispensary
- 705 pharmacy locations associated with the applicant or the applicant's dispensary pharmacy backers;
- 706 3. Conducting background checks or contacting references of the applicant, the applicant's
- 707 dispensary pharmacy backers, the dispensary pharmacy backers' members, shareholders or
- 708 investors, and the pharmacist in charge;
- 709 4. Contacting state regulators in any other states where the applicant, the applicant's dispensary
- 710 pharmacy backers and the dispensary pharmacy backers' members, shareholders or investors are
- 711 engaged in, or have sought to be engaged in, any aspect of that state's medical marijuana program;
- 712 and
- 713 5. Requiring a personal meeting with the applicant and the pharmacist in charge and the submission
- 714 of additional information or documents.

§2500. Dispensary pharmacy employee licenses and registrations

- 717 A. No person shall act as a dispensary pharmacist without a pharmacist license issued by the board.
- 718 B. No person shall act as a dispensary technician without being credentialed as a technician by the board.
- 719 C. No person shall be employed or retained as any other type of dispensary pharmacy employee without
- 720 — being at least 18 years of age.
- 721 D. Any dispensary pharmacy backer, or other person who will exercise control over, or have management
- 722 responsibility for, a dispensary pharmacy shall be disclosed to the board in writing as part of the
- 723 application.
- 724 E. Only a pharmacist who holds an active and unrestricted pharmacist license issued by the board may
- 725 apply for and receive authority to serve as pharmacist in charge for a dispensary pharmacy permit.
- 726 F. Only a person who has held an active and unrestricted pharmacy technician credential in Louisiana
- 727 within the five years prior to the application, who is 18 years of age or older may practice at a
- 728 dispensary pharmacy.
- 729

Comment [MJB37]: Contents moved to §2447.

Comment [MJB38]: 2015-0922: Should we develop virtual credentials for PST and CPT, e.g., PST-TM and CPT-TM?

Comment [MJB39]: Suggest creation of TM designation and require it for OMO and professional personnel in the pharmacy.

Comment [MJB40]: Suggest the addition of PST and PNT with 2 yrs licensed experience.

Comment [MJB41]: Suggest a reduction from 5 yrs to 2 yrs and prohibited PTC.

§2447. Marijuana pharmacy personnel; therapeutic marijuana designation

- 731 A. No person shall be employed by, or affiliated with, a marijuana pharmacy prior to their eighteenth
- 732 birthday.
- 733 B. The owner's managing officer and all persons holding a professional credential from the board shall
- 734 first obtain a Therapeutic Marijuana (TM) designation from the board before affiliating with a
- 735 marijuana pharmacy.
- 736 C. The board may issue a TM designation to a person who has filed the application for that designation
- 737 supplied by the board and has completed a criminal background check for the board within the two
- 738 year period prior to the date of the application for the TM designation, and that person:
- 739 1. Has been listed as an owner's managing officer on an application for a marijuana pharmacy
- 740 permit, or on a request to become a replacement owner's managing officer for an existing
- 741 marijuana pharmacy permit; or
- 742 2. Holds one of the following professional credentials issued by the board – pharmacist, pharmacy
- 743 intern, or certified pharmacy technician – and further, that professional credential was issued by
- 744 the board at least two years prior to the date of the application for the TM designation, is in active

- 745 status and has not been disciplined by the board within the two year period prior to the date of the
746 application for the TM designation.
- 747 D. The board may restrict, suspend, or revoke a TM designation for cause, but only pursuant to the
748 Administrative Procedure Act.
- 749 E. No pharmacist, pharmacy intern, or certified pharmacy technician may practice within a marijuana
750 pharmacy in the absence of an active professional credential, an active TM designation, as well as
751 access privileges to the state prescription monitoring program. A pharmacist may elect to not allow a
752 pharmacy intern or pharmacy technician to function as his delegate with respect to access privileges to
753 the state prescription monitoring program, but the pharmacist shall have such access. A pharmacy
754 technician candidate shall not practice in a marijuana pharmacy.
- 755 F. A pharmacist shall first acquire a Pharmacist-in-Charge (PIC) privilege, as described in §1105 of the
756 board's rules, and the TM designation, as described in this Section, before accepting an appointment as
757 the PIC of a marijuana pharmacy.
- 758 1. The PIC of the marijuana pharmacy shall comply with the requirements of §1105 of the board's
759 rules.
- 760 2. The PIC shall be responsible for notice to the board of all pharmacists, pharmacy interns, and
761 pharmacy technicians practicing at the marijuana pharmacy. The PIC shall cause such notice to be
762 received in the board office in written form (mail, fax, or electronic mail) no later than ten days
763 after the arrival or departure of the pharmacist, pharmacy intern, or pharmacy technician.
- 764 G. The PIC shall insure and document the initial and continuing competency of the entire professional
765 staff to provide the pharmacy care services rendered at the marijuana pharmacy. At a minimum, the
766 PIC shall provide access to education and training in the following domains:
- 767 1. Policies and procedures of the pharmacy, especially those relating to the tasks and functions that
768 employee is expected to perform;
- 769 2. Professional conduct, ethics, and patient confidentiality; and
- 770 3. Developments in the therapeutic use of marijuana.
- 771 Further, the PIC shall document such education and training, provide such records to the board when
772 requested, and retain such records for at least two years after the employee disassociates with the
773 pharmacy.
- 774 H. The PIC shall comply with the professional supervision rules and ratios found in Chapter 7 (pharmacy
775 interns) and Chapter 9 (pharmacy technicians) of the board's rules.
- 776 I. In addition to the scope of practice limitations found in Chapter 9 of the board's rules, pharmacy
777 technicians practicing in a marijuana pharmacy shall not:
- 778 1. Consult with a patient or the patient's caregiver regarding marijuana or other drugs, either before
779 or after marijuana has been dispensed, or regarding any medical information contained in a patient
780 medication record;
- 781 2. Consult with the physician who issued the recommendation/prescription/order for marijuana to the
782 patient, or the physician's agent, regarding a patient or any medical information pertaining to the
783 patient's marijuana or any other drug the patient may be taking;
- 784 3. Interpret the patient's clinical data or provide medical advice;
- 785 4. Perform professional consultations with physicians, nurses, or other health care professionals or
786 their authorized agents; or
- 787 5. Determine whether a different brand or formulation of marijuana should be dispensed for the
788 marijuana product or formulation recommended/prescribed/ordered by the physician or requested
789 by the patient or his caregiver.
- 790 J. Notwithstanding the provisions of Subsection I of this Section, a pharmacy technician may
791 communicate with a physician who recommended/prescribed/ordered marijuana, or the physician's
792 agent, to obtain a clarification on the recommendation/prescription/order, provided the supervising
793 pharmacist is aware of the request for the clarification.

794 AUHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

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

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797

798 **§2500. Notification of changes by dispensary pharmacy**

- 799 A. Prior to any person becoming affiliated with a dispensary pharmacy, including any change associated
- 800 with a change in ownership, such person shall comply with the credentialing requirements of the
- 801 board. No person shall commence such affiliation until approved by the board.
- 802 B. Prior to making any change to the dispensary pharmacy name, the dispensary pharmacy shall submit
- 803 an application, on a form prescribed by the board, for such change to the board. No dispensary
- 804 pharmacy shall make such change until approved by the board.
- 805 C. Prior to changing a dispensary pharmacy location, the dispensary pharmacy shall submit an
- 806 application, on a form prescribed by the board, for such change to the pharmacy department and pay
- 807 the applicable fee. No dispensary pharmacy shall make such change until approved by the board.
- 808 D. Prior to any modification, remodeling, expansion, reduction or other physical, non-cosmetic alteration
- 809 of a dispensary pharmacy, the dispensary pharmacy shall submit an application, on a form prescribed
- 810 by the board, for such change to the pharmacy. No dispensary pharmacy shall make such change until
- 811 approved by the board.
- 812 E. The dispensary pharmacy shall notify the board no later than ten business days after the date that a
- 813 dispensary pharmacy backer or dispensary pharmacy employee ceases to work for, or be affiliated
- 814 with, the dispensary pharmacy.
- 815 F. If a dispensary pharmacy will be closing permanently, the dispensary pharmacy's pharmacist in charge
- 816 shall notify the board in accordance with Chapter 11 of the board's regulations.

Comment [MJB42]: Paragraphs A-D + F transferred to §2445.D.

Comment [MJB43]: 2015-0922: To work in a TM Rx, must have had a CBC within the prior 2 years.

Comment [MJB44]: 2015-0922: Should require CBC for 100% of the individual owners

Comment [MJB45]: 2015-0922: Establish OMO by rule and require notice for changes.

Comment [MJB46]: As requested, this responsibility will be given to the PIC.

818 **§2500. Pharmacist in Charge (Taken from Chapter 11)**

- 819 A. The opportunity to accept an appointment as the pharmacist in charge (PIC) of a pharmacy is a
- 820 professional privilege. The following requirements are attached to a PIC privilege.
- 821 — 1. The acquisition of the PIC privilege shall require:
- 822 a. Possession of an active Louisiana pharmacist license;
- 823 b. Active pharmacy practice for a minimum of two years under the jurisdiction of any board of
- 824 pharmacy in the United States; and
- 825 c. The completion of the Affidavit of Responsibility and Duties described below.
- 826 — 2. The PIC shall be present and practicing at the pharmacy for which he holds the PIC position no less
- 827 than 20 hours per week during the pharmacy's ordinary course of business. In the event the
- 828 pharmacy's normal hours of business are less than 20 hours per week the PIC shall be present and
- 829 practicing at least 50 percent of the normal business hours.
- 830 B. An initial and renewal pharmacy permit application shall designate and identify the licensed
- 831 pharmacist in charge.
- 832 C. Authority and Accountability. The pharmacist in charge shall be ultimately responsible for complete
- 833 supervision, management, and compliance with all federal and state pharmacy laws and regulations
- 834 pertaining to the practice of pharmacy of the entire prescription department. This responsibility
- 835 necessarily includes accountability for any violation involving federal or state laws or regulations
- 836 occurring within the prescription department supervised by a pharmacist in charge.
- 837 D. Policy and Procedure Manual. The pharmacist in charge shall be responsible for the implementation of
- 838 policies and procedures regarding quality pharmacy services including drug control, distribution,
- 839 patient compliance accountability, inspection, and record keeping.
- 840 E. Circumvention. It is a violation of the pharmacy permit for any person to subvert the authority of the
- 841 pharmacist in charge by impeding the management of the prescription department in the compliance of
- 842 federal and state pharmacy laws and regulations.
- 843 F. Records. The pharmacist in charge shall be responsible for the proper maintenance of all prescription
- 844 records. This necessarily includes electronic prescription records and the system's compliance and
- 845 capacity to produce the required records.
- 846 G. Recall. The pharmacist in charge shall be responsible for the implementation of a recall procedure that
- 847 can be readily activated to assure patient safety.
- 848 H. Discontinued and Outdated Drugs. The pharmacist in charge shall be responsible for the
- 849 implementation of policies and procedures to ensure that discontinued or outdated drugs, or containers
- 850 with worn, illegible, or missing labels are withdrawn from the pharmacy inventory.

Comment [MJB47]: Inserted into §2447 by reference.

Comment [MJB48]: 2015-0922: PIC shall obtain one hour CE re TM and/or counseling.

- 851 I. ~~Change of Pharmacist in Charge. Written notice to the board shall be required when the pharmacist in~~
 852 ~~charge designation for a pharmacy has changed.~~
 853 ~~1. The permit holder shall notify the board within ten days of the prior pharmacist in charge's~~
 854 ~~departure date. The permit holder shall designate a new pharmacist in charge within ten days of~~
 855 ~~the departure of the prior pharmacist in charge.~~
 856 ~~2. The new pharmacist in charge shall afford the board written notice of his newly designated~~
 857 ~~pharmacist in charge status within ten days of the departure of the prior pharmacist in charge.~~
 858 ~~3. A pharmacist in charge who voluntarily leaves a pharmacy shall give written notice to the board~~
 859 ~~and the owner of the permit at least ten days prior to this voluntary departure, unless replaced in a~~
 860 ~~shorter period of time.~~
 861 J. ~~Affidavit of Responsibility and Duties. The designated pharmacist in charge shall sign an affidavit on~~
 862 ~~a form supplied by the board indicating his understanding and acceptance of the duties and~~
 863 ~~responsibilities of a pharmacist in charge. This notarized document shall be submitted to the board for~~
 864 ~~inclusion in the pharmacy's record in the board office.~~
 865 K. ~~A pharmacist shall not hold a pharmacist in charge position at more than one pharmacy permit, unless~~
 866 ~~approved by the board.~~
 867

868 **§2500. Notification of changes by dispensary pharmacist and dispensary technician**

- 869 A. ~~Every dispensary pharmacist and dispensary technician whose place of employment changes shall~~
 870 ~~report to the board the following information regarding the dispensary pharmacist or dispensary~~
 871 ~~technician's new employment. Such notification shall be made, on a form prescribed by the board, no~~
 872 ~~less than ten business days after the change in employment becomes effective.~~
 873 B. ~~Any dispensary pharmacist or dispensary technician whose name or home address changes shall notify~~
 874 ~~the department of such change, on a form prescribed by the board, no less than ten business days after~~
 875 ~~the change.~~
 876

Comment [MJB49]: 2015-0922: PIC shall be responsible for notifying Board of all personnel changes.

Comment [MJB50]: PIC requirement for notice of all professional employment changes inserted into §2447.

Comment [MJB51]: Duplicative of basic rules in other chapters; not added in Draft #2.

Comment [MJB52]: Content moved to §2445.B.

877 **§2500. Renewal applications**

- 878 A. ~~Every person issued a permit, license or certification shall file a renewal application and the proper~~
 879 ~~fees with the board at least 45 days prior to the date the existing credential expires.~~
 880 B. ~~If a renewal application is not filed prior to the expiration date of the applicable the credential, the~~
 881 ~~credential shall expire and become void until the permittee, licensee or certificant files a renewal~~
 882 ~~application and pays all applicable fees, and the renewal application is approved by the board.~~
 883

884 **§2500. Fees (Will need to be placed in statute)**

- 885 A. ~~The non-refundable fee for a dispensary pharmacy permit application shall be one five thousand~~
 886 ~~dollars. In addition, upon approval of the applicant's dispensary pharmacy permit, the applicant shall~~
 887 ~~pay an additional fee of five thousand dollars the pharmacy permit fees authorized in La. R.S. 37:1184~~
 888 ~~prior to receiving a permit;~~
 889 B. ~~The non-refundable fee for each renewal of a dispensary facility license shall be five thousand dollars;~~
 890

Comment [MJB53]: Content moved to §2445.

891 **§25002451. Escrow Account Terms**

- 892 A. ~~The dispensary marijuana pharmacy's two one million dollar escrow account, letter of credit or surety~~
 893 ~~bond shall be payable to the board in the event the board determines after a hearing that the dispensary~~
 894 ~~marijuana pharmacy has failed to timely and successfully complete the construction of a dispensary~~
 895 ~~pharmacy or to continue to operate such dispensary pharmacy in a manner that provides a substantially~~
 896 ~~uninterrupted supply to its usual dispensary pharmacy customers during the term of the permit.~~
 897 B. ~~The board shall permit the dispensary pharmacy's two one million dollar escrow account, letter of~~
 898 ~~credit or surety bond to be reduced by five hundred two hundred fifty thousand dollars upon the~~
 899 ~~successful achievement of each of the following milestones, resulting in a potential elimination in the~~
 900 ~~escrow account, letter of credit or surety bond:~~
 901 1. ~~A determination by the board that the dispensary pharmacy is fully operational and able to~~
 902 ~~commence dispensing of marijuana as provided for in this Subchapter;~~
 903 2. ~~A determination by the board that the dispensary pharmacy remained operational without~~

Comment [MJB54]: 2015-0922: Bond can be reduced, but no less than \$500,000.

- 904 substantial interruption and without any violation of law or regulation for a one year period; and
 905 3. A determination by the board that the dispensary pharmacy remained operational without
 906 substantial interruption and without any violation of law or regulation for an additional two
 907 consecutive years; and.
 908 4. ~~A determination by the board that the dispensary pharmacy remained operational without~~
 909 ~~substantial interruption and without any violation of law or regulation for a second period of two~~
 910 ~~consecutive years.~~
 911 C. If a dispensary pharmacy voluntarily chooses not to renew the dispensary pharmacy permit and follows
 912 proper closure procedures, the board shall extinguish the obligations under the escrow account, letter
 913 of credit or surety bond at the end of the permit's term.
 914

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

916 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR
 917

918 **§25002449. Operation of dispensary marijuana pharmacy**

- 919 A. No person may operate a dispensary marijuana pharmacy without a dispensary marijuana pharmacy
 920 permit issued by the board, ~~and further, that permit shall be in active or restricted status.~~ A pharmacist
 921 shall be on duty at all times during the regular open hours of the dispensary marijuana pharmacy.
 922 B. A dispensary marijuana pharmacy shall not dispense marijuana from, obtain marijuana from, or
 923 transfer marijuana to, a location outside of the state of Louisiana.
 924 C. A dispensary marijuana pharmacy shall not obtain, cultivate, deliver, transfer, transport, sell or
 925 dispense marijuana except:
 926 1. It may acquire marijuana from an authorized product ~~under pursuant to the provisions of La. R.S.~~
 927 ~~40:1046; and~~
 928 2. It may dispense and sell marijuana to a qualifying patient with a recommendation/prescription/
 929 order for such marijuana or the patient's or primary caregiver.
 930 D. No person at a dispensary marijuana pharmacy shall provide marijuana samples or engage in marijuana
 931 ~~compounding.~~
 932 E. A dispensary marijuana pharmacy shall sell marijuana products only in the original sealed containers
 933 or packaging as delivered by the producer, except that a dispensary pharmacist may remove the
 934 marijuana product from the producer's child-resistant container or package and place the marijuana
 935 product in a non-child-resistant, secure and light-resistant container upon a written request from the
 936 qualifying patient or primary caregiver so long as all original labeling is maintained with the product.
 937 F. Only a dispensary pharmacist may dispense marijuana, and only a dispensary pharmacist, pharmacy
 938 intern, or dispensary pharmacy technician may sell marijuana to qualifying patients and primary
 939 caregivers. A dispensary pharmacy intern or pharmacy technician may assist, under the direct
 940 supervision of a dispensary pharmacist, in the dispensing of marijuana.
 941 G. A dispensary marijuana pharmacy shall place all products sold to the qualifying patient or primary
 942 caregiver in an opaque package that shall not indicate the contents of the package, the originating
 943 facility or in any other way cause another person to believe that the package may contain marijuana.
 944 H. A dispensary marijuana pharmacy shall not permit any person to enter the dispensary prescription
 945 department unless that person's responsibilities necessitate access to the dispensary department and
 946 then for only as long as necessary to perform the person's job duties.
 947 I. ~~All dispensary pharmacy employees shall, at all times while at the dispensary pharmacy, have their~~
 948 ~~current board credentials available for inspection by the board or the board's authorized representative.~~
 949 J. While inside the dispensary pharmacy, all dispensary pharmacy employees shall wear name tags or
 950 similar forms of identification that clearly identify them to the public, including their position at the
 951 dispensary pharmacy.
 952 K. A dispensary marijuana pharmacy shall be open for qualifying patients and primary caregivers to
 953 purchase marijuana products for a minimum of 10 hours per week, ~~except as otherwise authorized by~~
 954 ~~the board.~~
 955 1. A dispensary marijuana pharmacy that closes during its normal hours of operation shall implement
 956 procedures to notify qualifying patients and primary caregivers of when the dispensary marijuana
 957 pharmacy will resume normal hours of operation. Such procedures may include, but are not limited

Comment [MJB55]: 2015-0922: Prohibit samples but not compounding.

Comment [MJB56]: We no longer require posting of credentials for people, only places.

- 958 to, telephone system messages and conspicuously posted signs. ~~If the dispensary pharmacy is, or~~
- 959 ~~will be, closed during its normal hours of operation for longer than two business days, the~~
- 960 ~~dispensary pharmacy shall immediately notify the board.~~
- 961 2. In the event the pharmacist on duty leaves the prescription department, the prescription department
- 962 shall comply with the provisions of §1109 (temporary absence) or §1111 (closure) of the board's
- 963 rules.
- 964 L. A ~~dispensary marijuana~~ pharmacy shall provide information to ~~qualifying patients and primary~~
- 965 ~~caregivers regarding the possession and use of marijuana. The pharmacist in charge shall submit all~~
- 966 ~~informational material to the board for approval prior to being provided to qualifying patients and~~
- 967 ~~primary caregivers. Such informational material shall include information related to:~~
- 968 1. Limitations on the right to possess and use marijuana pursuant to ~~La. R.S. 40:1046;~~
- 969 2. Safe techniques for proper use of marijuana and paraphernalia;
- 970 3. Alternative methods and forms of consumption or inhalation by which one can use marijuana;
- 971 4. Signs and symptoms of substance abuse; and
- 972 5. Opportunities to participate in substance abuse programs.
- 973 M. The ~~dispensary marijuana~~ pharmacy shall establish, implement and adhere to a written alcohol-free,
- 974 drug-free and smoke-free work place policy, which shall be available to the board upon request.
- 975 N. ~~The receipt of all deliveries from producers shall be carried out under the direct supervision of a~~
- 976 ~~dispensary pharmacist who shall be present to accept the delivery. Upon delivery, the marijuana shall~~
- 977 ~~immediately be stored in an approved safe or approved vault within the dispensary pharmacy where~~
- 978 ~~marijuana is stored.~~
- 979 O. ~~In the event a marijuana pharmacy intends to deliver a dispensed marijuana product to the patient or~~
- 980 ~~caregiver, the pharmacy shall use its own drivers, and further, shall not place such products with a~~
- 981 ~~postal service or any commercial carrier.~~
- 982 P. No ~~dispensary marijuana~~ pharmacy shall sell anything other than marijuana products ~~from the~~
- 983 ~~dispensary pharmacy; however, the pharmacy may elect to sell over-the-counter (OTC) medications~~
- 984 ~~and/or durable medical equipment (DME) from the same premises but outside the prescription~~
- 985 ~~department.~~
- 986 Q. No marijuana shall be consumed on the premises of a ~~dispensary marijuana~~ pharmacy.
- 987 R. ~~No person, except a dispensary pharmacy employee, or a production facility employee who is~~
- 988 ~~delivering marijuana products, shall be allowed in the pharmacy department of a dispensary pharmacy~~
- 989 ~~S. All visitors shall log in and out. The dispensary pharmacy shall maintain the visitor log, which shall~~
- 990 ~~include the date, time and purpose of the visit and which shall be available to the board.~~
- 991 1. ~~If an emergency requires the presence of a visitor the dispensary pharmacy shall provide written~~
- 992 ~~notice to the board as soon as practicable after the onset of the emergency.~~
- 993 2. ~~Such notice shall include the name and company affiliation of the visitor, the purpose of the visit,~~
- 994 ~~and the date and time of the visit.~~
- 995 3. ~~A dispensary pharmacy shall monitor the visitor and maintain a log of such visit as required by this~~
- 996 ~~subsection.~~
- 997 T. No person associated with a ~~dispensary marijuana~~ pharmacy shall enter into any agreement with a
- 998 ~~certifying~~ physician or health care facility concerning the provision of services or equipment that may
- 999 adversely affect any person's freedom to choose the ~~dispensary marijuana~~ pharmacy at which the
- 1000 ~~qualifying patient or primary caregiver will purchase marijuana.~~
- 1001 U. No marijuana shall be sold, dispensed or distributed via a delivery service or any other manner outside
- 1002 of a ~~dispensary marijuana~~ pharmacy, except that a ~~primary caregiver may deliver marijuana to the~~
- 1003 ~~caregiver's qualified patient.~~
- 1004 V. No marijuana shall be sold when the marijuana pharmacy is closed and not open for business.
- 1005 W. Board representatives, local law enforcement or other federal, state or local government officials may
- 1006 enter any area of a ~~dispensary marijuana~~ pharmacy if necessary to perform their governmental duties.
- 1007 X. Right of inspection. The board, or its agent, representative, or designee, is authorized:
- 1008 1. To enter a marijuana pharmacy at any time during its hours of operation, or any other place,
- 1009 including a vehicle, wherein marijuana is held, dispensed, sold, or otherwise disposed of;
- 1010 2. To inspect within reasonable limits and in a reasonable manner, such place and all pertinent
- 1011 equipment, finished and unfinished material, containers and labeling, and all things therein,

Comment [MJB57]: 2015-0922: Re-think need for board approval.

Comment [MJB58]: 2015-0922: If TM Rx needs to deliver Rx to patient, must be a Rx driver.

Comment [MJB59]: General caution in Subsection H (Line 918)

Comment [MJB60]: 2015-0922: Delete the visitor log. PIC is accountable for everyone there and what they do.

Comment [MJB61]: Do we need to make an exception for prescription delivery as noted in Subsection O above.

- 1012 including records, files, financial data, sales data, shipping data, pricing data, employee data,
- 1013 research, papers, processes, controls and facilities; and
- 1014 3. To inventory any stock of marijuana therein and obtain samples of any marijuana or marijuana
- 1015 product, any labels or containers for marijuana, paraphernalia, and of any finished and unfinished
- 1016 material.
- 1017 Y. Inspection of records. Every person required to prepare, obtain or keep records, logs, reports or other
- 1018 documents, and every person in charge, or having custody, of such documents shall maintain such
- 1019 documents in an auditable format for no less than two years. Upon request, such person shall make
- 1020 such documents immediately available for inspection and copying by the board or its authorized
- 1021 representative. In complying with this Section, no person shall use a foreign language or codes or
- 1022 symbols to designate marijuana types or persons in the keeping of any required document.
- 1023

1024 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

1025 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

1026 **§2500. Pharmacist Temporary Absence (from §1109)**

Comment [MJB62]: Added to §2447 by reference.

- 1027 A. A pharmacist shall be considered to be temporarily absent from the prescription department when not
- 1028 within the confines of the prescription department but remains on-site.
- 1029 B. The pharmacist may be temporarily absent from the prescription department for breaks and meal
- 1030 periods without closing the prescription department and removing pharmacy personnel providing the
- 1031 following conditions are met:
- 1032 1. at least one certified pharmacy technician or pharmacy intern remains in the prescription
- 1033 department;
- 1034 2. the pharmacist is available for emergencies;
- 1035 3. the temporary absence does not exceed thirty minutes at a time and a total of sixty minutes in a
- 1036 twelve hour period;
- 1037 4. the pharmacist reasonably believes that the security of the prescription department will be
- 1038 maintained in his absence; and
- 1039 5. a notice is posted that includes the following information:
- 1040 a. the fact that the pharmacist is taking a break; and
- 1041 b. the time the pharmacist will return.
- 1042 C. If the pharmacist, in his professional judgment, determines it necessary, all personnel shall be removed
- 1043 from the pharmacy and the pharmacy shall be secured for the duration of the temporary absence, and
- 1044 notice shall be posted indicating the pharmacy is closed.
- 1045 D. During a temporary absence, certified pharmacy technicians or pharmacy interns may continue to
- 1046 process prescription orders, provided that no orders processed during the pharmacist's temporary
- 1047 absence be removed from the prescription department prior to the final check by the pharmacist.
- 1048 E. If the pharmacist is absent less than five minutes from the prescription department, this absence is not
- 1049 considered a "temporary absence" within the meaning of this chapter and will not require a posted
- 1050 notice, provided the prescription department's security is not compromised.
- 1051 F. If at any time the pharmacist deems it necessary to leave the on-site facility, the pharmacy shall be
- 1052 closed in accordance with §1111.
- 1053
- 1054

1055 **§2500. Pharmacist Absence (from §1111)**

Comment [MJB63]: Added to §2447 by reference.

- 1056 A. A pharmacist is considered absent from the prescription department when he is not in the prescription
- 1057 department and is off-site.
- 1058 B. When a pharmacist is absent from the prescription department, the prescription department must be
- 1059 securely closed and made inaccessible. A sign shall be displayed in a conspicuous position in front of
- 1060 the prescription department giving notice of closure. The sign shall be at least 8½ x 11 inches with the
- 1061 following wording in black letters at least one inch high: PRESCRIPTION DEPARTMENT CLOSED.
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1063 **§2500. Dispensary pharmacy prohibitions**

Comment [MJB64]: Contents moved to §2449.

- 1064 A. No dispensary pharmacy shall sell anything other than marijuana products from the dispensary

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- ~~-pharmacy.~~
- ~~B. No marijuana shall be consumed on the premises of a dispensary pharmacy.~~
- ~~C. No person, except a dispensary pharmacy employee, or a production facility employee who is delivering marijuana products, shall be allowed in the pharmacy department of a dispensary pharmacy~~
- ~~D. All visitors shall log in and out. The dispensary pharmacy shall maintain the visitor log, which shall include the date, time and purpose of the visit and which shall be available to the board.~~
 - ~~4. If an emergency requires the presence of a visitor the dispensary pharmacy shall provide written notice to the board as soon as practicable after the onset of the emergency.~~
 - ~~5. Such notice shall include the name and company affiliation of the visitor, the purpose of the visit, and the date and time of the visit.~~
 - ~~6. A dispensary pharmacy shall monitor the visitor and maintain a log of such visit as required by this subsection.~~
- ~~E. No person associated with a dispensary pharmacy shall enter into any agreement with a certifying physician or health care facility concerning the provision of services or equipment that may adversely affect any person's freedom to choose the dispensary pharmacy at which the qualifying patient or primary caregiver will purchase marijuana.~~
- ~~F. No marijuana shall be sold, dispensed or distributed via a delivery service or any other manner outside of a dispensary pharmacy, except that a primary caregiver may deliver marijuana to the caregiver's qualified patient.~~
- ~~G. Board representatives, local law enforcement or other federal, state or local government officials may enter any area of a dispensary pharmacy if necessary to perform their governmental duties.~~

Comment [MJB65]: 2015-0922: Delete the visitor log. PIC is accountable for everyone there and what they do.

§2500. Procedures when dispensary department is closed

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

Comment [MJB66]: Contents transferred to security section.

Comment [MJB67]: Storage addressed in security section, and no sale when closed addressed in operations section.

§2500. Rights and responsibilities of dispensary pharmacists

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

Comment [MJB68]: Paragraph B placed in personnel section; all other paragraphs transferred to professional practice section.

1116 **§2500. Dispensary pharmacists to assign serial number and maintain records; Transfer of**
 1117 **records to another dispensary pharmacy.**

Comment [MJB69]: Contents and concepts transferred to Standards of Practice in §2457.

- 1118 A. A dispensary pharmacist shall assign and record a sequential serial number to each marijuana product
 1119 dispensed to a patient and shall keep all dispensing records in numerical order in a suitable file,
 1120 electronic file or ledger. The records shall indicate:
 1121 — 1. The date of dispensing;
 1122 — 2. The name and address of the certifying physician;
 1123 — 3. The name and address of the qualifying patient, or primary caregiver if applicable;
 1124 — 4. The initials of the dispensary pharmacist who dispensed the marijuana; and
 1125 — 5. Whether a full or partial supply of marijuana was dispensed pursuant to the recommendation or
 1126 medical order.
 1127 B. A dispensary pharmacy shall maintain records created under this section and shall make such records
 1128 available to the board upon request.
 1129 C. When a dispensary pharmacy closes temporarily or permanently, the dispensary pharmacy shall, in the
 1130 interest of public health, safety and convenience, make its complete dispensing records immediately
 1131 available to a nearby dispensary pharmacy and post a notice of this availability on the window or door
 1132 of the closed dispensary pharmacy. The dispensary pharmacy shall simultaneously provide such notice
 1133 to the board.
 1134

1135 **§2500. Labeling of marijuana products by dispensary pharmacist**

Comment [MJB70]: Contents moved to labeling section in the Recordkeeping Requirements section of the Standards of Practice in §2457.

- 1136 K. A dispensary pharmacist shall not dispense marijuana that does not bear the producer label required by
 1137 the Louisiana Department of Agriculture.
 1138 B. All marijuana products dispensed shall be completely and properly labeled as follows:
 1139 — 1. The serial number, as assigned by the dispensary pharmacy;
 1140 — 2. The date of dispensing the marijuana;
 1141 — 3. The quantity of marijuana dispensed;
 1142 — 4. The name of the qualifying patient and, where applicable, the primary caregiver;
 1143 — 5. The name of the certifying physician;
 1144 — 6. Such directions for use as may be included in the physician's written certification or otherwise
 1145 provided by the physician;
 1146 — 7. Name of the dispensary pharmacist;
 1147 — 8. Name and address of the dispensary pharmacy;
 1148 — 9. Any cautionary statement as may be required by Louisiana law or regulation; and
 1149 — 10. A prominently printed expiration date based on the producer's recommended conditions of use and
 1150 storage that can be read and understood by the ordinary individual.
 1151 C. The expiration date required by this section shall be no later than the expiration date determined by the
 1152 producer.
 1153 D. No person except a dispensary pharmacist, or a dispensary technician operating under the direct
 1154 supervision of a dispensary pharmacist, shall alter, deface or remove any label so affixed.
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1156 **§2500. Dispensary pharmacy technicians; Ratio; Supervision and responsibility**

Comment [MJB71]: Incorporated by reference in §2447.

- 1157 A. The ratio of dispensary technicians to dispensary pharmacists on duty in a dispensary pharmacy shall
 1158 not exceed three dispensary technicians to one dispensary pharmacist.
 1159 B. A dispensary technician whose board credential is under probation, suspension or revocation shall not
 1160 practice as a dispensary technician.
 1161 C. The dispensary pharmacist providing direct supervision of dispensary technicians shall be responsible
 1162 for the dispensary technicians' actions. Any violations relating to the dispensing of marijuana
 1163 resulting from the actions of a dispensary technician, or the use of dispensary technicians in the
 1164 performance of tasks in a manner not in conformance with the laws or regulations, shall constitute
 1165 cause for action against the license of the dispensary pharmacist.
 1166 D. As used in this subsection, "direct supervision" means a supervising dispensary pharmacist who:
 1167 — 1. Is physically present in the area or location where the dispensary technician is performing routine
 1168 marijuana dispensing functions; and

— 2. Conducts in-process and final checks on the dispensary technician's performance.

§2500. Dispensary technician limitations

Comment [MJB72]: Contents inserted at §2447.

- 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.
- L. 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.

§2500. Dispensary technician training

Comment [MJB73]: Most of this content transferred to §2447.

- 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:
 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;
 2. Professional conduct, ethics, and state and federal statutes and regulations regarding patient confidentiality; and
 3. Developments in the field of the medical use of marijuana.
- B. The dispensary technician shall be registered as a dispensary technician with the board prior to the start of such training.
- M. 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.
- N. 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:
 1. The name of the person receiving the training;
 2. The dates of the training;
 3. A general description of the topics covered;
 4. The name of the person supervising the training; and
 5. The signatures of the person receiving the training and the dispensary pharmacist in charge.
- 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.
- F. A dispensary pharmacy shall maintain the record documenting the dispensary technician training and make it available to the board upon request.

§2500. Electronic system record keeping safeguards

Comment [MJB74]: Contents and concepts moved to Standards of Practice in §2457

- 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:
 1. Guarantees the confidentiality of the information contained therein;
 2. Is capable of providing safeguards against erasures and unauthorized changes in data after the

- 1222 _____ information has been entered and verified by the dispensary pharmacist; and
- 1223 _____ 3. Is capable of being reconstructed in the event of a computer malfunction or accident resulting in the
- 1224 _____ destruction of the data bank.

1226 **~~§2500.~~ §2500.2453. Dispensary pharmacy reporting to the prescription monitoring program**

Comment [MJB75]: Concept included at Standards of Practice in §2457.

- 1227 A. At least once per day, a dispensary shall transmit electronically to the Prescription Monitoring Program
- 1228 of the board in a format approved by the board, the fields listed in this subsection, including, but not
- 1229 limited to, the following:
- 1230 1. Drug Enforcement Administration number of the dispensary pharmacy, which shall be populated
- 1231 by a number provided by the board;
- 1232 _____ 2. Patient's date of birth;
- 1233 _____ 3. Patient's gender code;
- 1234 _____ 4. Date order filled, which shall be the date marijuana is dispensed;
- 1235 _____ 5. Order number, which shall be the serial number assigned to each marijuana product dispensed to a
- 1236 _____ patient;
- 1237 _____ 6. New refill code;
- 1238 _____ 7. Quantity;
- 1239 _____ 8. Days' supply;
- 1240 _____ 9. National Drug Code number, which shall be provided by the board;
- 1241 _____ 10. Drug Enforcement Administration number of the prescriber;
- 1242 _____ 11. Date order written, which shall be the date the written certification was issued;
- 1243 _____ 12. Number of refills authorized;
- 1244 _____ 13. Order origin code;
- 1245 _____ 14. Patient last name;
- 1246 _____ 15. Patient first name;
- 1247 _____ 16. Patient street address;
- 1248 _____ 17. State;
- 1249 _____ 18. Payment code for either cash or third-party provider; and
- 1250 _____ 19. Drug name, which shall be the brand name of the marijuana product.
- 1251 B. A dispensary pharmacy shall transmit the information required pursuant to this section in such a
- 1252 manner as to insure the confidentiality of the information in compliance with all federal and Louisiana
- 1253 state statutes and regulations, including the federal Health Insurance Portability and Accountability Act
- 1254 of 1996, Public Law 104-191.

1256 **~~§2500.2453.~~ §2500.2453. Security requirements for dispensary marijuana pharmacies**

- 1257 A. A dispensary marijuana pharmacy shall:
- 1258 1. ~~Not maintain marijuana in excess of the quantity required for normal, efficient operation;~~
- 1259 1. Store all marijuana in an approved safe or vault, as described in §2715.A.1 of the board's rules,
- 1260 and in such a manner as to prevent diversion, theft, or loss;
- 1261 2. Maintain all marijuana in a secure area or location accessible only to specifically authorized
- 1262 employees, which shall include only the minimum number of employees essential for efficient
- 1263 operation;
- 1264 3. Keep all approved safes and vaults securely locked and protected from entry, except for the actual
- 1265 time required to remove or replace marijuana;
- 1266 4. Keep all locks and security equipment in good working order;
- 1267 5. Not allow keys to be left in the locks and not store or place keys in a location accessible to persons
- 1268 other than specifically authorized employees;
- 1269 6. Not allow other security measures, such as combination numbers, passwords or electronic or
- 1270 biometric security systems, to be accessible to persons other than specifically authorized
- 1271 employees;
- 1272 7. Keep the pharmacy securely locked and protected from entry by unauthorized employees;
- 1273 8. Keep the outside perimeter of the dispensary pharmacy premises well-lit; and

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9. Post a sign at all entry ways into any area of the pharmacy containing marijuana, including a room with an approved safe or vault, which sign shall be a minimum of twelve inches in height and twelve inches in width which shall state: *“Do Not Enter – Limited Access Area – Access Limited to Authorized Employees Only”* in lettering no smaller than one-half inch in height.
- B. All dispensary pharmacies shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment, which shall include at a minimum ~~include~~:
1. A perimeter alarm;
 2. Motion detector;
 3. Video cameras in all areas that may contain marijuana and at all points of entry and exit, which shall be appropriate for the normal lighting conditions of the area under surveillance. The dispensary pharmacy shall direct cameras at all approved safes and approved vaults, dispensing areas, marijuana sales areas and any other area where marijuana is being stored or handled. At entry and exit points, the ~~dispensary~~ pharmacy shall angle cameras so as to allow for the capture of clear and certain identification of any person entering or exiting the pharmacy.
 4. Twenty-four hour recordings from all video cameras, which the ~~dispensary~~ pharmacy shall make available for immediate viewing by the board or ~~the board's~~ its authorized representative upon request and shall retain for at least thirty days. If a ~~dispensary~~ pharmacy is aware of a pending criminal, civil, or administrative investigation or legal proceeding for which a recording may contain relevant information, the ~~dispensary~~ pharmacy shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the ~~dispensary~~ pharmacy that it is not necessary to retain the recording.
 - a. All video recordings shall allow for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. A ~~dispensary~~ pharmacy shall erase all recordings prior to disposal or sale of the pharmacy.
 5. Duress alarm, which for purposes of this Subsection means a silent security alarm system signal generated by the entry of a designated code in into an arming station in order to signal that the alarm user is being forced to turn off the system.
 6. Panic alarm, which for purposes of this Subsection means an audible security alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring a law enforcement response;
 7. Holdup alarm, which for purposes of this Subsection means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress;
 8. Automatic voice dialer, which for purposes of this Subsection means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch;
 9. A failure notification system that provides an audible, text or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to the ~~dispensary~~ pharmacy within five minutes of the failure, either by telephone, email, or text message;
 10. The ability to immediately produce a clear color still photo that is a minimum of 9600 dpi from any camera image (live or recorded);
 11. A date and time stamp embedded on all recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture; and
 12. The ability to remain operational during a power outage.
- C. In addition to the requirements listed in Subsection B ~~of this section above~~, ~~each production facility the~~ the pharmacy shall have a back-up alarm system ~~approved by the board~~ that shall detect unauthorized entry during times when no employees are present at the pharmacy and that shall be provided by a company supplying commercial grade equipment, which shall not be the same company supplying the primary security system.

- 1327 D. A dispensary pharmacy shall maintain all security system equipment and recordings in a secure
- 1328 location so as to prevent theft, loss, destruction, or alterations.
- 1329 1. A dispensary pharmacy shall keep all on-site surveillance rooms locked and shall not use such
- 1330 rooms for any other function.
- 1331 2. A dispensary pharmacy shall limit access to surveillance areas to persons that are essential to
- 1332 surveillance operations, law enforcement agencies, security system service employees, and the
- 1333 board's authorized representative, ~~and other when approved by the board.~~
- 1334 3. A dispensary pharmacy shall make available to the board upon request a current list of authorized
- 1335 employees and service employees that have access to the surveillance room ~~to the board upon~~
- 1336 ~~request.~~
- 1337 E. A dispensary pharmacy shall keep all security equipment in good working order and shall test such
- 1338 equipment no less than two times per year.
- 1339 F. ~~If~~ When a dispensary pharmacy presents special security issues, such as an extremely large stock of
- 1340 marijuana, exposed handling or unusual vulnerability to, ~~or actual~~, diversion, theft or loss, the board
- 1341 may require additional safeguards, including but not limited to, a supervised watchman service.
- 1342 G. ~~In the event diversion, theft or loss of marijuana has occurred from a dispensary pharmacy, the board~~
- 1343 ~~shall determine the appropriate storage and security requirements for all marijuana in the dispensary~~
- 1344 ~~pharmacy, and may required additional safeguards to ensure the security of the marijuana.~~
- 1345 H. Any marijuana not stored in compliance with this Section, or stored at a location other than that for
- 1346 which the dispensary pharmacy permit was issued, shall be subject to embargo or seizure by the board.
- 1347 I. In the event any dispensary marijuana pharmacy whose permit is revoked, suspended, or not renewed,
- 1348 the pharmacy shall dispose of its entire stock of marijuana in accordance with the disposal provisions
- 1349 in this Subchapter.
- 1350 J. If a dispensary pharmacy has provided other safeguards which can be regarded in total as an adequate
- 1351 substitute for some element of protection required of ~~such~~ the pharmacy, such added protection may be
- 1352 taken into account by the board in evaluating overall required security measures.
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Comment [MJB76]: Contents merged with paragraph above with insertion of "or actual"

1354 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.
 1355 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR
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1357 **§2500. Security alarm systems; minimum requirements for dispensary pharmacies**

Comment [MJB77]: Contents moved to §2453.

- 1358 A. All dispensary pharmacies shall have an adequate security system to prevent and detect diversion, theft
- 1359 ~~or loss of marijuana utilizing commercial grade equipment, which shall, at a minimum, include:~~
- 1360 ~~— 1. A perimeter alarm;~~
- 1361 ~~— 2. Motion detector;~~
- 1362 ~~— 3. Video cameras in all areas that may contain marijuana and at all points of entry and exit, which~~
- 1363 ~~shall be appropriate for the normal lighting conditions of the area under surveillance. The~~
- 1364 ~~dispensary pharmacy shall direct cameras at all approved safes, approved vaults, dispensing areas,~~
- 1365 ~~marijuana sales areas and any other area where marijuana is being stored or handled. At entry and~~
- 1366 ~~exit points, the dispensary pharmacy shall angle cameras so as to allow for the capture of clear and~~
- 1367 ~~certain identification of any person entering or exiting the pharmacy;~~
- 1368 ~~4. Twenty-four hour recordings from all video cameras, which the dispensary pharmacy shall make~~
- 1369 ~~available for immediate viewing by the board or the board's authorized representative upon~~
- 1370 ~~request and shall retain for at least thirty days. If a dispensary pharmacy is aware of a pending~~
- 1371 ~~criminal, civil or administrative investigation or legal proceeding for which a recording may~~
- 1372 ~~contain relevant information, the dispensary pharmacy shall retain an unaltered copy of the~~
- 1373 ~~recording until the investigation or proceeding is closed or the entity conducting the investigation~~
- 1374 ~~or proceeding notifies the dispensary pharmacy that it is not necessary to retain the recording;~~
- 1375 ~~13. Duress alarm, which for purposes of this subsection means a silent security alarm system signal~~
- 1376 ~~generated by the entry of a designated code into an arming station in order to signal that the alarm~~
- 1377 ~~user is being forced to turn off the system;~~
- 1378 ~~14. Panic alarm, which for purposes of this subsection means an audible security alarm system signal~~
- 1379 ~~generated by the manual activation of a device intended to signal a life threatening or emergency~~
- 1380 ~~situation requiring a law enforcement response;~~

- 1381 15. ~~Holdup alarm, which for purposes of this subsection means a silent alarm signal generated by the~~
 1382 ~~manual activation of a device intended to signal a robbery in progress;~~
 1383 16. ~~Automatic voice dialer, which for purposes of this subsection means any electrical, electronic,~~
 1384 ~~mechanical, or other device capable of being programmed to send a prerecorded voice message,~~
 1385 ~~when activated, over a telephone line, radio or other communication system, to a law enforcement,~~
 1386 ~~public safety or emergency services agency requesting dispatch;~~
 1387 17. ~~A failure notification system that provides an audible, text or visual notification of any failure in~~
 1388 ~~the surveillance system. The failure notification system shall provide an alert to the dispensary~~
 1389 ~~pharmacy within five minutes of the failure, either by telephone, email, or text message;~~
 1390 18. ~~The ability to immediately produce a clear color still photo that is a minimum of 9600 dpi from~~
 1391 ~~any camera image (live or recorded);~~
 1392 19. ~~A date and time stamp embedded on all recordings. The date and time shall be synchronized and~~
 1393 ~~set correctly and shall not significantly obscure the picture; and~~
 1394 ~~12. The ability to remain operational during a power outage.~~
 1395 B. ~~A dispensary pharmacy shall maintain all security system equipment and recordings in a secure~~
 1396 ~~location so as to prevent theft, loss, destruction or alterations.~~
 1397 C. ~~In addition to the requirements listed in subsection (a) of this section, each production facility shall~~
 1398 ~~have a back-up alarm system approved by the board that shall detect unauthorized entry during times~~
 1399 ~~when no employees are present at the pharmacy and that shall be provided by a company supplying~~
 1400 ~~commercial grade equipment, which shall not be the same company supplying the primary security~~
 1401 ~~system.~~
 1402 D. ~~A dispensary pharmacy shall limit access to surveillance areas to persons that are essential to~~
 1403 ~~surveillance operations, law enforcement agencies, security system service employees, the board's~~
 1404 ~~authorized representative, and others when approved by the board. A dispensary pharmacy shall make~~
 1405 ~~available a current list of authorized employees and service employees that have access to the~~
 1406 ~~surveillance room to the board upon request. A dispensary pharmacy shall keep all on-site surveillance~~
 1407 ~~rooms locked and shall not use such rooms for any other function.~~
 1408 E. ~~A dispensary pharmacy shall keep the outside perimeter of the dispensary pharmacy premises well-lit.~~
 1409 F. ~~All video recordings shall allow for the exporting of still images in an industry standard image format,~~
 1410 ~~including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary~~
 1411 ~~format that ensures authentication of the video and guarantees that no alteration of the recorded image~~
 1412 ~~has taken place. Exported video shall also have the ability to be saved in an industry standard file~~
 1413 ~~format that can be played on a standard computer operating system. A dispensary pharmacy shall erase~~
 1414 ~~all recordings prior to disposal or sale of the pharmacy.~~
 1415 K. ~~A dispensary pharmacy shall keep all security equipment in good working order and shall test such~~
 1416 ~~equipment no less than two times per year.~~

1417 ~~§2500~~2455. **Dispensary Reportable security events**

- 1419 A. Upon becoming aware of discrepancies identified during inventory, diversion, theft, loss, or
 1420 unauthorized destruction of any marijuana, or of any loss or unauthorized alternation of records related
 1421 to marijuana or qualifying patients, a dispensary pharmacy shall immediately notify:
 1422 1. Appropriate law enforcement authorities; and
 1423 2. The board.
 1424 B. A dispensary pharmacy shall provide the written notice to the board by way of a signed statement
 1425 which details the circumstances of the event, including an accurate inventory of the quantity and brand
 1426 names of the marijuana diverted, stolen, lost, destroyed, or damaged, ~~and~~ along with confirmation that
 1427 the local law enforcement authorities were notified. A dispensary pharmacy shall make such notice no
 1428 later than twenty-four hours after discovery of the event.
 1429 C. A dispensary pharmacy shall notify the board no later than the next business day, followed by written
 1430 notification no later than ten business days, of any of the following:
 1431 1. An alarm activation or other event that requires response by public safety personnel;
 1432 2. A breach of security;

- 1433 3. The failure of the security alarm system due to a loss of electrical support or mechanical
1434 malfunction that is expected to last longer than eight hours; and
1435 4. Corrective measures taken, if any.
1436 D. A dispensary pharmacy shall maintain and shall make available all documentation related to an
1437 occurrence that is reportable.
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1439 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

1440 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR
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1442 **§2457. Standards of practice**

1443 A. Environmental Standards

- 1444 1. The prescription department shall be of sufficient size commensurate with the nature and scope of
1445 practice. The space occupied by the prescription department shall be restricted to authorized
1446 personnel only, as determined by the pharmacist-in-charge, and shall not be accessible to the
1447 general public.
1448 2. The prescription department shall contain sufficient fixtures, equipment, and supplies
1449 commensurate with the nature and scope of practice for that pharmacy.
1450 3. The prescription department shall include a sink with a hot and cold water supply, exclusive of
1451 restroom facilities, with approved sewage disposal.
1452 4. All areas where drugs and devices are stored shall be dry, well-lighted, well-ventilated, and
1453 maintained at temperatures which will ensure the integrity of drugs during their storage and prior
1454 to their dispensing as stipulated by the United States Pharmacopeia and/or manufacturer's or
1455 distributor's product labeling unless otherwise indicated by the board.
1456 5. The prescription department shall be secured by one or more physical barriers with suitable locks
1457 and a monitored alarm system capable of detecting unauthorized entry, and further, complies with
1458 security requirements identified elsewhere in this Subchapter.
1459 6. Prescription and other patient healthcare information shall be maintained in a manner that protects
1460 the integrity and confidentiality of such information.

1461 B. Minimum Staffing Requirements

- 1462 1. There shall be at least one pharmacist on duty at all times the pharmacy is open for business.
1463 2. Every pharmacist practicing in the pharmacy shall possess a Louisiana pharmacist license in active
1464 status, a Therapeutic Marijuana designation, and access privileges to the state prescription
1465 monitoring program.
1466 3. A pharmacy intern may assist the pharmacist in the prescription department, but only when in
1467 possession of a Louisiana pharmacy intern registration in active status as well as a Therapeutic
1468 Marijuana designation. The supervising pharmacist may establish a delegate credential for the
1469 pharmacy intern in the state prescription monitoring program.
1470 4. A pharmacy technician may assist the pharmacist in the prescription department, but only when in
1471 possession of a Louisiana pharmacy technician certificate in active status as well as a Therapeutic
1472 Marijuana designation. The supervising pharmacist may establish a delegate credential for the
1473 pharmacy technician in the state prescription monitoring program.
1474 5. No pharmacy technician candidate may practice in a marijuana pharmacy.
1475 6. Additional clerical personnel may also be present at the pharmacy.

1476 C. Operational Standards

- 1477 1. The marijuana pharmacy shall comply with the provisions of Chapters 11, 25, 27, 29, and 31 of
1478 the board's rules except when this Subchapter grants exceptions or imposes more stringent
1479 requirements.
1480 2. In the event the marijuana pharmacy intends to close permanently, the pharmacist-in-charge (PIC)
1481 shall comply with the pharmacy closure procedures described in Chapter 11 of the board's rules,
1482 and further, the owner of the pharmacy permit shall not prevent or interfere with the PIC's
1483 performance of those tasks.
1484 a. In addition to the other closure requirements, the closing pharmacy shall include in its notice
1485 to the board and to the public the identification of the destination pharmacy where the closing

- 1486 pharmacy's prescription records will be transferred. That destination pharmacy shall be the
1487 marijuana pharmacy nearest the closing pharmacy, unless otherwise approved by the board.
1488
- D. Recordkeeping Requirements
- 1489 1. Prescription/recommendation/order (hereinafter, "request") for marijuana
1490 a. The pharmacy shall not accept a verbal request.
1491 b. In the event the pharmacy receives a request in written form by facsimile, the pharmacy may
1492 begin the preparation of the product to be dispensed, but the pharmacist shall not dispense the
1493 product until the original form of the request is delivered to him in the pharmacy and he has
1494 compared it to the product prepared for dispensing.
1495 c. The written request shall bear the manual signature of the authorized prescriber. No other
1496 form of signature shall be valid, including (but not limited to) stamps, computer generated
1497 signatures, or signatures of anyone other than the authorized prescriber.
1498 d. A request generated, signed, and transmitted in electronic format which is compliant with the
1499 standards for electronic prescribing of controlled substances identified in 21 CFR 1311 (or its
1500 successor) shall be construed as a validly formatted request.
- 1501 2. When the pharmacy receives a request for marijuana from an authorized prescriber in written
1502 form, the pharmacist shall cause the form to be scanned and filed using an electronic imaging
1503 system in compliance with §1123 of the board's rules.
- 1504 3. Request forms (and electronic images thereof) shall be retained on the pharmacy's premises for at
1505 least two years after the date of dispensing, and further, shall be readily retrievable upon request
1506 by the board.
- 1507 4. Inventory of marijuana product
- 1508 a. The pharmacist-in-charge shall develop and maintain a perpetual inventory of all marijuana
1509 products acquired, held, dispensed, and disposed by the pharmacy.
- 1510 b. The pharmacist-in-charge shall conduct an annual inventory of all marijuana products in the
1511 possession of the pharmacy on any date which is within one year of the previous annual
1512 inventory, and further, shall conduct additional inventory counts on the following occasions:
- 1513 i. arrival of a new pharmacist-in-charge;
1514 ii. discovery of any significant loss, disappearance, or theft of marijuana product;
1515 iii. departure of a pharmacist-in-charge; and
1516 iv. permanent closure of the pharmacy.
- 1517 c. Inventory records shall be retained on the pharmacy's premises for at least two years after the
1518 most recent entry.
- 1519 5. The pharmacy shall develop and maintain sufficient records to fully reveal the business
1520 transactions related to marijuana products, including their procurement and sale, for the current tax
1521 year as well as the two immediately preceding tax years, all of which shall be made available to
1522 the board upon request.
- 1523 6. The board may require any pharmacy or its owners to furnish such information as the board
1524 considers necessary for the proper administration of R.S. 40:1046, and may require a financial
1525 audit of the business of any marijuana pharmacy, and the expense thereof shall be paid by the
1526 marijuana pharmacy.
- E. Professional Practice Standards
- 1527 1. Prior to dispensing any marijuana product to a patient, the pharmacist shall review that patient's
1528 records in the state prescription monitoring program. The pharmacist shall resolve any concerns
1529 identified in that review by consultation with the authorized prescriber.
- 1530 2. Labeling of marijuana product dispensed
- 1531 a. The pharmacist shall not dispense any marijuana product that does not bear the producer label
1532 required by the Louisiana Department of Agriculture, and further, the pharmacy dispensing
1533 label shall not overlay or obscure the producer label in any way.
- 1534 b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:
- 1535 i. Name and address of the pharmacy dispensing the product;
1536 ii. Telephone number or other contact information of the pharmacy dispensing the product;
1537 iii. Name of the authorized prescriber;
1538 iv. Name of the patient;
1539

- 1540 vi. Date the product was dispensed;
- 1541 vii. Prescription number, which shall be a unique identifier for that specific transaction;
- 1542 viii. Name of the marijuana product, including any concentration, strength, or other identifiers
- 1543 of the marijuana product;
- 1544 ix. Quantity of marijuana dispensed;
- 1545 x. Directions for use of the product as included in the prescriber's request;
- 1546 xi. Expiration date of the product, which shall not exceed the expiration date determined by
- 1547 the producer of the product; and
- 1548 xii. Other information selected by the dispensing pharmacist to inform the patient as to the
- 1549 best use of the product for the intended purpose.
- 1550 3. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with
- 1551 the reporting requirements as found in Chapter 29 of the board's rules.
- 1552 4. Disposal of marijuana product.
- 1553 a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is
- 1554 determined to be misbranded, adulterated, expired, deteriorated, undesired, excess,
- 1555 unauthorized, or unfit for dispensing; however, once accepted by the pharmacy, no marijuana
- 1556 product may be returned to any producer.
- 1557 b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the
- 1558 product shall be removed from active dispensing stock and quarantined in the pharmacy
- 1559 pending its disposal.
- 1560 c. The pharmacist-in-charge shall select a method of disposal that renders the marijuana non-
- 1561 recoverable.
- 1562 d. The actual disposal of the marijuana product shall be conducted in the physical presence of the
- 1563 board's authorized representative, or in the alternative, a representative from a local, state, or
- 1564 federal law enforcement officer.
- 1565 e. The pharmacist-in-charge shall prepare a record of each disposal, and that record shall contain,
- 1566 at a minimum, the following information:
- 1567 i. Brand name and other specific identifiers of the marijuana product disposed;
- 1568 ii. Quantity of product disposed;
- 1569 iii. Manner of disposal; and
- 1570 iv. Signatures of the persons disposing the product as well as any other persons present
- 1571 during the disposal process.

1572 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

1573 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

1574 ~~§2500. Disposal of marijuana~~

- 1575 A. ~~A dispensary pharmacy, laboratory, law enforcement or court official or the board or the board's~~
- 1576 ~~authorized representative shall dispose of undesired, excess, unauthorized, obsolete, adulterated,~~
- 1577 ~~misbranded or deteriorated marijuana in the following manner:~~
- 1578 1. ~~By surrender without compensation of such marijuana to the board or the board's authorized~~
- 1579 ~~representative; or~~
- 1580 2. ~~By disposal in the presence of an authorized representative of the board in such a manner as to~~
- 1581 ~~render the marijuana non-recoverable.~~
- 1582 B. ~~The person disposing of the marijuana shall maintain and make available a separate record of each such~~
- 1583 ~~disposal indicating:~~
- 1584 1. ~~The manner of disposal;~~
- 1585 2. ~~The brand name and quantity of marijuana disposed of; and~~
- 1586 3. ~~The signatures of the persons disposing of the marijuana, the authorized representative of the board~~
- 1587 ~~and any other persons present during the disposal.~~

Comment [MJB78]: Concept included in Standards of Practice at §2457.

1588 ~~§2500. Inventory~~

- 1589 A. ~~Each dispensary pharmacy, prior to commencing business, shall:~~

Comment [MJB79]: Concept included in Standards of Practice in §2457.

- 1593 — 1. Conduct an initial comprehensive inventory of all marijuana at the pharmacy. If a pharmacy
 1594 commences business with no marijuana on hand, the dispensary pharmacy shall record this fact as
 1595 the initial inventory; and
 1596 2. Establish ongoing inventory controls and procedures for the conduct of inventory reviews and
 1597 comprehensive inventories of marijuana, which shall enable the pharmacy to detect any diversion,
 1598 theft or loss in a timely manner.
- 1599 B. Upon commencing business, each dispensary pharmacy shall conduct a weekly inventory of marijuana
 1600 stock, which shall include, at a minimum, the date of the inventory, a summary of the inventory
 1601 findings, the name, signature and title of the individuals who conducted the inventory, the date of
 1602 receipt of marijuana, the name and address of the producer from whom received, where applicable, and
 1603 the kind and quantity of marijuana received. The record of all marijuana sold, dispensed or otherwise
 1604 disposed of shall show the date of sale, the name of the dispensary pharmacy, qualifying patient or
 1605 primary caregiver to whom the marijuana was sold, the address of such person and the brand and
 1606 quantity of marijuana sold.
- 1607 C. A complete and accurate record of all stocks or brands of marijuana on hand shall be prepared annually
 1608 on the anniversary of the initial inventory or such other date that the dispensary pharmacy may
 1609 choose, so long as it is not more than one year following the prior year's inventory.
- 1610 D. All inventories, procedures and other documents required by this section shall be maintained on the
 1611 premises and made available for at least two years.
- 1612 E. Whenever any sample or record is removed by a person authorized to enforce the provisions of these
 1613 sections for the purpose of investigation or as evidence, such person shall tender a receipt in lieu
 1614 thereof and the receipt shall be kept for a period of at least two years.

1615
 1616 **§2500. Marketing: prohibited conduct, statements and illustrations; board review of**
 1617 **advertisements**

- 1618 A. A dispensary pharmacy shall not cooperate, directly or indirectly, in any advertising if such advertising
 1619 has the purpose or effect of steering or influencing patient or caregiver choice with regard to the
 1620 selection of a physician, dispensary or marijuana product.
- 1621 B. An advertisement for marijuana or any marijuana product shall not contain:
- 1622 1. Any statement that is false or misleading in any material particular
 - 1623 2. Any statement that falsely disparages a competitor's products;
 - 1624 3. Any statement, design, or representation, picture or illustration that is obscene or indecent;
 - 1625 4. Any statement, design, representation, picture or illustration that encourages or represents the use
 1626 of marijuana for a condition other than a debilitating medical condition authorized by La. R.S.
 1627 40:1046;
 - 1628 10. Any statement, design, representation, picture or illustration that encourages or represents the
 1629 recreational use of marijuana;
 - 1630 11. Any statement, design, representation, picture or illustration related to the safety or efficacy of
 1631 marijuana, unless supported by substantial evidence or substantial clinical data;
 - 1632 12. Any statement, design, representation, picture or illustration portraying anyone under the age of
 1633 eighteen, objects suggestive of the presence of anyone under the age of eighteen, or containing the
 1634 use of a figure, symbol or language that is customarily associated with anyone under the age of
 1635 eighteen;
 - 1636 13. Any offer of a prize, award or inducement to a qualifying patient, primary caregiver or physician
 1637 related to the purchase of marijuana or a certification for the use of marijuana; or
 - 1638 14. Any statement that indicates or implies that the product or entity in the advertisement has been
 1639 approved or endorsed by the board, the state of Louisiana or any person or entity associated with
 1640 the state of Louisiana.
- 1641 C. Any advertisement for marijuana or a marijuana product shall be submitted to the board at the same
 1642 time as, or prior to, the dissemination of the advertisement.
- 1643 D. The submitter of the advertisement shall provide the following information in addition to the
 1644 advertisement itself:
- 1645 1. A cover letter that:

Comment [MJB80]: 2015-0922: To be discussed later (meeting ran out of time).

- 1646 a. Provides the following subject line: Medical marijuana advertisement review package for a
1647 proposed advertisement for (Brand Name);
1648 b. Provides a brief description of the format and expected distribution of the proposed
1649 advertisement; and
1650 c. Provides the submitter's name, title, address, telephone number, fax number, and email
1651 address;
- 1652 2. An annotated summary of the proposed advertisement showing every claim being made in the
1653 advertisement and which references support for each claim;
- 1654 3. Verification that a person identified in an advertisement as an actual patient or health care
1655 practitioner is an actual patient or health care practitioner and not a model or actor;
- 1656 4. Verification that a spokesperson who is represented as an actual patient is indeed an actual patient;
- 1657 5. Verification that an official translation of a foreign language advertisement is accurate;
- 1658 6. Annotated references to support disease or epidemiology information, cross-referenced to the
1659 advertisement summary; and
- 1660 7. A final copy of the advertisement, including a video where applicable, in a format acceptable to
1661 the board.
- 1662 F. Advertising packages that are missing any of the elements in subsection (d) of this section, or that fail
1663 to follow the specific instructions for submissions, shall be considered incomplete. If the board
1664 receives an incomplete package, it shall so notify the submitter.
- 1665 F. The board may:
- 1666 1. Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the
1667 board determines that the advertisement would be false or misleading without such a disclosure; or
- 1668 2. Make recommendations with respect to changes that are:
- 1669 a. Necessary to protect the public health, safety and welfare; or
1670 b. Consistent with dispensing information for the product under review.
- 1671 3. If appropriate and if information exists, recommend statements for inclusion in the advertisement to
1672 address the specific efficacy of the drug as it relates to specific disease states, disease symptoms and
1673 population groups.

1674
1675 **§2500. Marijuana advertising; requirements for true statements and fair balance**

- 1676 A. All advertisements for marijuana or marijuana products that make a statement relating to side effects,
1677 consequences, contraindications and effectiveness shall present a true statement of such information.
1678 When applicable, advertisements broadcast through media such as radio, television, or other electronic
1679 media shall include such information in the audio or audio and visual parts of the presentation.
- 1680 B. False or misleading information in any part of the advertisement shall not be corrected by the inclusion
1681 of a true statement in another distinct part of the advertisement.
- 1682 C. An advertisement does not satisfy the requirement that it present a "true statement" of information
1683 relating to side effects, consequences, contraindications, and effectiveness if it fails to present a fair
1684 balance between information relating to side effects, consequences, contraindications and effectiveness
1685 in that the information relating to effectiveness is presented in greater scope, depth, or detail than is the
1686 information relating to side effects, consequences and contraindications, taking into account all
1687 implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and
1688 any other techniques apt to achieve emphasis.
- 1689 D. An advertisement is false, lacking in fair balance, or otherwise misleading if it:
- 1690 1. Contains a representation or suggestion that a marijuana strain, brand or product is better, more
1691 effective, useful in a broader range of conditions or patients or safer than other drugs or treatments
1692 including other marijuana strains or products, unless such a claim has been demonstrated by
1693 substantial evidence or substantial clinical experience;
- 1694 2. Contains favorable information or opinions about a marijuana product previously regarded as valid
1695 but which have been rendered invalid by contrary and more credible recent information;
- 1696 3. Uses a quote or paraphrase out of context or without citing conflicting information from the same
1697 source, to convey a false or misleading idea;
- 1698 4. Uses a study on individuals without a debilitating medical condition without disclosing that the

- 1699 subjects were not suffering from a debilitating medical condition;
- 1700 5. Uses data favorable to a marijuana product derived from patients treated with a different product or
- 1701 dosages different from those approved in the state of Louisiana;
- 1702 6. Contains favorable information or conclusions from a study that is inadequate in design, scope, or
- 1703 conduct to furnish significant support for such information or conclusions; or
- 1704 7. Fails to provide adequate emphasis for the fact that two or more facing pages are part of the same
- 1705 advertisement when only one page contains information relating to side effects, consequences and
- 1706 contraindications.
- 1707 E. No advertisement may be disseminated if the submitter of the advertisement has received information
- 1708 that has not been widely publicized in medical literature that the use of the marijuana product or strain
- 1709 may cause fatalities or serious damage to a patient.
- 1710

1711 **§2500. Marijuana marketing; advertising at a dispensary pharmacy; advertising of prices**

- 1712 A. dispensary pharmacy shall:
- 1713 1. Restrict external signage to a single sign no larger than sixteen inches in height by eighteen inches
- 1714 in width;
- 1715 2. Not illuminate a dispensary pharmacy sign advertising a marijuana product at any time;
- 1716 3. Not advertise marijuana brand names or utilize graphics related to marijuana or paraphernalia on
- 1717 the exterior of the dispensary pharmacy or the building in which the dispensary pharmacy is
- 1718 located; and
- 1719 4. Not display marijuana and paraphernalia so as to be clearly visible from the exterior of a
- 1720 dispensary pharmacy.
- 1721 B. A pharmacy shall not advertise the price of its marijuana, except that it may make a price list available
- 1722 to a patient.
- 1723

1724 **§2500. Dispensary pharmacy records; furnishing of information; audits**

- 1725 A. Each dispensary pharmacy shall maintain a complete set of all records necessary to fully show the
- 1726 business transactions related to marijuana for a period of the current tax year and the two immediately
- 1727 prior tax years, all of which shall be made available to the board upon request.
- 1728 B. The board may require any licensee or registrant to furnish such information as the board considers
- 1729 necessary for the proper administration of La.R.S.40:1046, and may require an audit of the business of
- 1730 any dispensary pharmacy and the expense thereof shall be paid by such dispensary pharmacy.
- 1731

Comment [MJB81]: Contents moved to Standards of Practice in §2457.

1732 **§2500. Inspection of records; entry on premises**

- 1733 A. Every person required to prepare, obtain or keep records, logs, reports or other documents, and every
- 1734 person in charge, or having custody, of such documents, shall maintain such documents in an auditable
- 1735 format for no less than two years. Upon request, such person shall make such documents immediately
- 1736 available for inspection and copying by the board or the board's authorized representative. In
- 1737 complying with this section, no person shall use a foreign language, codes or symbols to designate
- 1738 marijuana types or persons in the keeping of any required document.
- 1739 B. The board or the board's authorized representative, is authorized:
- 1740 — 1. To enter, at reasonable times, any place, including a vehicle, in which marijuana is held, dispensed,
- 1741 sold, produced, delivered, transported, manufactured or otherwise disposed of;
- 1742 2. To inspect within reasonable limits and in a reasonable manner, such place and all pertinent
- 1743 equipment, finished and unfinished material, containers and labeling, and all things therein
- 1744 including records, files, financial data, sales data, shipping data, pricing data, employee data,
- 1745 research, papers, processes, controls and facilities; and
- 1746 3. To inventory any stock of marijuana therein and obtain samples of any marijuana or marijuana
- 1747 product, any labels or containers for marijuana, paraphernalia, and of any finished and unfinished
- 1748 material.
- 1749

Comment [MJB82]: Contents moved to Operation of pharmacy at §2449.