

## Louisiana Administrative Code

### Title 46 – Professional and Occupational Standards

#### Part LIII: Pharmacists

#### Chapter 24. Limited Service Providers

##### Subchapter E. Marijuana Pharmacy

#### §2440. Preamble; warning; consultation suggested

- A. Pursuant to Act 261 of the Regular Session of the 2015 Louisiana Legislature as well as the subsequent amendment found in Act 96 of the Regular Session of the 2016 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 recommended 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. Adopt rules relating to the dispensing of recommended marijuana for therapeutic use, with such rules to include, at a minimum, the following:
    - a. Standards, procedures, and protocols for the effective use of recommended marijuana for therapeutic use as authorized by state law and related rules;
    - b. Standards, procedures, and protocols for the dispensing and tracking of recommended therapeutic marijuana;
    - c. Procedures and protocols to provide that no recommended therapeutic marijuana may be dispensed from, produced from, obtained from, sold to, or transferred to a location outside of this state;
    - d. Standards, procedures, and protocols for determining the amount of usable recommended therapeutic marijuana that is necessary to constitute an adequate supply to ensure uninterrupted availability for a period of one month, including amount for topical treatments;
    - e. Standards, procedures, and protocols to ensure all recommended therapeutic marijuana dispensed is consistently pharmaceutical grade;
    - f. Standards and procedures for the revocation, suspension, and nonrenewal of licenses;
    - g. Other licensing, renewal, and operational standards deemed necessary by the Louisiana Board of Pharmacy;
    - h. Standards and procedures for testing recommended therapeutic marijuana samples for levels of tetrahydrocannabinols (THC) or other testing parameters deemed appropriate by the Louisiana Board of Pharmacy;
    - i. Standards for the protection of health, safety, and security for dispensers of recommended therapeutic marijuana;
    - j. Standards for the licensure of dispensers of recommended therapeutic marijuana; and
    - k. Standards for financial capacity to operate a marijuana pharmacy.
- B. Marijuana is classified as a Schedule I controlled substance by the U.S. Department of Justice, Drug Enforcement Administration.
1. As provided by the federal Controlled Substances Act, the procurement, possession, prescribing, distribution, dispensing, or administering of any Schedule I controlled substance, including marijuana, is a violation of federal law.
  2. Neither Louisiana law nor the board's rules can preempt federal law. Therefore, the provisions of this Subchapter notwithstanding, persons engaged in the activities described herein remain subject to the full force of federal law enforcement, including arrest and prosecution of criminal charges,

the assessment of civil fines and forfeitures, as well as administrative consequences such as forfeiture of federal controlled substance registrations and exclusion from Medicare and other federal payer programs.

- C. For the foregoing reasons, pharmacists and other persons credentialed by the board may wish to consult with their own legal counsel as well as any health care facility, private or governmental payor with which they are affiliated, professional liability insurers, and financial institutions with which they maintain depository relationships before engaging in the activities described herein.

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

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

## §2441. Definitions

- A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section:

~~1. Act means Act 261 of the Regular Session of the 2015 Louisiana Legislature.~~

2. *Administer* means the direct application of marijuana to the body of a qualifying patient by ~~inhalation~~, ingestion or any other means.

3. *Advertisement* means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of marijuana.

4. *Agent* means an authorized person who acts on behalf of or at the direction of another person. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

5. *Approved safe* means a safe which conforms to or exceeds all of the following standards:

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

6. *Approved vault* means:

- a. A vault constructed before, or under construction on, September 1, 1971, which is of substantial construction with a steel door, combination or key lock, and an alarm system; or
- b. A vault constructed after September 1, 1971:
  - i. The walls, floors, and ceilings of which are constructed of at least eight inches of reinforced concrete or other substantial masonry, reinforced vertically and horizontally with one-half inch steel rods tied six inches on center, or the structural equivalent to such reinforced walls, floors, and ceilings;
  - ii. The door and frame unit of which vault shall conform to the following specifications or the equivalent: 30 man-minutes against surreptitious entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation, and 20 man-hours against radiological techniques;
  - iii. Which vault, if operations require it to remain open for frequent access, is equipped with a "day gate" which is self-closing and self-locking or the equivalent, for use during the hours of operation in which the vault door is open;
  - iv. The walls or perimeter of which are equipped with an alarm which, upon unauthorized entry, shall transmit a signal directly to a central station protection company, or a local or state police agency which has a legal responsibility to respond, or a 24-hour control station operated by the licensee, or such other protection as the board or its designee may approve, and if necessary, alarm buttons at strategic points of entry to the perimeter area of the vault;

- 107 v. The door of which shall be equipped with one or more contact switches; and
- 108 vi. Which vault has one of the following:
- 109 (a) Complete electrical lacing of the walls, floor and ceiling;
- 110 (b) Sensitive ultrasonic equipment within the vault;
- 111 (c) Sensitive sound accumulator system; or
- 112 (d) Such other device designed to detect illegal entry as may be approved by the
- 113 board.
- 114 7. *Board* means the Louisiana Board of Pharmacy.
- 115 ~~## CFR means Code of Federal Regulations.~~
- 116 8. *Deliver or delivery* means the actual, constructive or attempted transfer from one person to another
- 117 of marijuana, whether or not there is an agency relationship.
- 118 ~~9. *Department* means the Louisiana Department of Health and Hospitals or its successor.~~
- 119 10. *Financial interest* means any actual, or a future right to, ownership, investment or compensation
- 120 arrangement with another person, either directly or indirectly, through business, investment or
- 121 family. Financial interest does not include ownership of investment securities in a publicly-held
- 122 corporation that is traded on a national exchange or over-the-counter market, provided the
- 123 investment securities held by such person do not exceed five per cent of the total number of shares
- 124 issued by the corporation.
- 125 ~~## LDAF means the Louisiana Department of Agriculture and Forestry.~~
- 126 ~~## LDH means the Louisiana Department of Health.~~
- 127 ~~## Louisiana Medical Marijuana Tracking System (LMMTS) means the required seed-to-sale~~
- 128 ~~tracking system that tracks medical marijuana from either the seed or immature plant stage until~~
- 129 ~~the product is sold to a pharmacy or is destroyed.~~
- 130 11. *Marijuana* means all parts of plants of the genus *Cannabis*, whether growing or not, the seeds
- 131 thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt,
- 132 derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature
- 133 stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such
- 134 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature
- 135 stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant
- 136 which is incapable of germination.
- 137 12. *Marijuana pharmacy* means that area within a facility where marijuana is stored, dispensed, and
- 138 sold. If a ~~dispensary~~ facility does not offer any products or services other than marijuana and
- 139 ~~paraphernalia and/or related supplies~~, the entire facility is a marijuana pharmacy for the purposes
- 140 of this Subchapter.
- 141 13. *Marijuana pharmacy owner* means any person with ~~a direct or indirect financial~~ ~~an ownership~~
- 142 interest in a marijuana pharmacy, except the term does not include a person with an investment
- 143 interest through a publicly-held company provided the interest held by such person does not
- 144 exceed five per cent of the total ownership or interest rights in such ~~dispensary~~ pharmacy and such
- 145 person does not participate directly or indirectly in the control, management, or operation of the
- 146 ~~dispensary~~ pharmacy.
- 147 14. *Marijuana product* means any product containing marijuana, including raw materials, that requires
- 148 no further processing and that is packaged for sale to ~~dispensaries~~ ~~pharmacies~~, qualifying patients
- 149 and primary caregivers.
- 150 15. *Owner's managing officer* means the person designated by the organization owning the ~~dispensary~~
- 151 pharmacy to be responsible to the board for the proper operation of the ~~dispensary~~ pharmacy in
- 152 compliance with all applicable laws and regulations.
- 153 ~~16. *Paraphernalia* refers to equipment, products and materials of any kind which are used, intended~~
- 154 ~~for use, or designed for use in planting, propagating, cultivating, growing, harvesting,~~
- 155 ~~manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing,~~
- 156 ~~packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or~~
- 157 ~~otherwise introducing into the human body, any controlled substance contrary to the provisions of~~
- 158 ~~this Subchapter, including, but not limited to:~~

- 159 a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing  
 160 or harvesting of any species of plant which is a controlled substance or from which a  
 161 controlled substance can be derived;
- 162 b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting,  
 163 producing, processing, or preparing controlled substances;
- 164 c. Isomerization devices used, intended for use, or designed for use in increasing the potency of  
 165 any species of plant which is a controlled substance;
- 166 d. Testing equipment used, intended for use, or designed for use in identifying or analyzing the  
 167 strength, effectiveness or purity of controlled substances;
- 168 e. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and  
 169 lactose, used, intended for use, or designed for use in cutting controlled substances;
- 170 f. Separation gins and sifters used, intended for use, or designed for use in removing twigs and  
 171 seeds from, or in otherwise cleaning or refining, marijuana;
- 172 g. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed  
 173 for use in compounding controlled substances;
- 174 h. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use  
 175 in packaging small quantities of controlled substances;
- 176 i. Containers and other objects used, intended for use, or designed for use in storing or  
 177 concealing controlled substances;
- 178 j. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in  
 179 parenterally injecting controlled substances into the human body; and
- 180 k. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise  
 181 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: metal,  
 182 wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent  
 183 screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices;  
 184 smoking and carburetion masks; roach clips, meaning objects used to hold burning material,  
 185 such as a marijuana cigarette that has become too small or too short to be held in the hand;  
 186 miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes;  
 187 air driven pipes; chillums; bongs or ice pipes or chillers.
- 188 ## *Pharmaceutical grade marijuana* means marijuana or marijuana products that are not adulterated  
 189 and are:
- 190 a. Processed, packaged and labeled according to the United States Food & Drug  
 191 Administration's "*Current Good Manufacturing Practice in Manufacturing, Packaging,  
 192 Labeling, or Holding Operations for Dietary Supplements*" as found in 21 CFR 111 or its  
 193 successor;
- 194 b. Labeled with the results of an active ingredient analysis, a microbiological contaminants  
 195 analysis, a mycotoxin analysis, a heavy metal analysis, and a pesticide chemical residue  
 196 analysis which have been completed on a batch basis by a laboratory; and
- 197 c. Where each step of the production, cultivating, trimming, curing, manufacturing, processing,  
 198 and packaging method has been documented by using standard operation procedures  
 199 approved by the Commissioner of the Louisiana Department of Agriculture and Forestry.
- 200 17. *Pharmacist* means an individual currently licensed by the board to engage in the practice of  
 201 pharmacy.
- 202 18. *Pharmacy technician* means an individual who assists in the practice of pharmacy under the direct  
 203 and immediate supervision of a licensed pharmacist and is currently certified to do so by the  
 204 board.
- 205 19. *Physician* means an individual currently licensed ~~to practice medicine~~ by the Louisiana State  
 206 Board of Medical Examiners ~~to engage in the practice of medicine~~.
- 207 20. *Prescription monitoring program (PMP)* means the electronic prescription drug monitoring  
 208 program established by La. R.S. 40:1001 *et seq.*
- 209 21. *Producer* means a person licensed by the Louisiana Department of Agriculture ~~and Forestry~~ to  
 210 cultivate marijuana for ~~palliative therapeutic~~ use.
- 211 22. *Production or produce* means the manufacture, planting, preparation, cultivation, growing,  
 212 harvesting, propagation, compounding, conversion or processing of marijuana, either directly or

- 213 indirectly by extraction from substances of natural origin, or independently by means of chemical  
 214 synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging  
 215 or repackaging of the substance or labeling or relabeling of its container, except that this term does  
 216 not include the preparation or compounding of marijuana by a patient or caregiver for the patient's  
 217 use.
- 218 23. *Production facility* means a secure, indoor facility where the production of marijuana occurs and  
 219 that is operated by a person to whom the Louisiana Department of Agriculture **and Forestry** has  
 220 issued a producer license.
- 221 24. *Sale* is any form of delivery, which includes barter, exchange or gift, or offer therefor, and each  
 222 such transaction made by any person whether as principal, proprietor, agent, servant, or employee.
- 223 25. *Usable marijuana* means the dried leaves and flowers of the marijuana plant, and any mixtures or  
 224 preparations of such leaves and flowers, that are appropriate for the **palliative therapeutic** use of  
 225 marijuana, but does not include the seeds, stalks, and roots of the marijuana plant, **and**.

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

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

### 229 **§2443. Marijuana products**

#### 230 **A. Exclusive Source.**

- 231 1. The exclusive source of marijuana products shall be the producer licensed for that activity by the  
 232 Louisiana Department of Agriculture and Forestry (LDAF).  
 233 2. That producer shall prepare pharmaceutical grade marijuana products for distribution to the  
 234 marijuana pharmacies licensed by the board.  
 235 3. Marijuana products from any other source shall be deemed misbranded and/or adulterated and  
 236 shall not be distributed to any marijuana pharmacy, nor may such misbranded and/or adulterated  
 237 products be dispensed by any marijuana pharmacy.

#### 238 **B. Laboratory Testing.**

- 239 1. Prior to manufacturing any marijuana product, the producer shall segregate all harvested  
 240 marijuana into homogenized batches.  
 241 2. A producer shall make available each such batch at the production facility for testing by a  
 242 laboratory approved by LDAF. The laboratory employee shall select a random sample from each  
 243 batch. The laboratory shall test each sample for microbiological contaminants, mycotoxins, heavy  
 244 metals, pesticide chemical residue, residual solvents, homogeneity, and for the purpose of  
 245 conducting an active ingredient analysis.  
 246 3. From the time that a batch of marijuana has been homogenized for sample testing and eventual  
 247 packaging and sale to a pharmacy until the laboratory provides the results from its tests and  
 248 analyses, the producer shall segregate and withhold from use the entire batch with the exception of  
 249 the samples removed by the laboratory for testing. During this period of segregation, the producer  
 250 shall maintain the marijuana batch in a secure, cool and dry location so as to prevent the marijuana  
 251 from becoming contaminated or losing its efficacy. Under no circumstances shall a producer  
 252 include marijuana in a marijuana product or sell it to a pharmacy prior to the time the laboratory  
 253 has completed its testing and analysis and provided those results, in written or electronic form, to  
 254 the producer or the producer's designated employee.  
 255 4. The laboratory shall immediately return or dispose of any marijuana upon the completion of any  
 256 testing, use, or research. When the laboratory disposes of marijuana, the laboratory shall comply  
 257 with the marijuana disposal rules promulgated by LDAF.  
 258 5. In the event a sample of marijuana does not pass the microbiological, mycotoxin, heavy metal,  
 259 pesticide chemical residue, residual solvent, or homogeneity test based on the standards set forth  
 260 in this Section, the producer shall dispose of the entire batch from which the sample was taken, in  
 261 compliance with the marijuana disposal rules promulgated by LDAF.  
 262 a. With respect to the microbiological test, a marijuana sample shall be deemed to have passed if  
 263 it satisfies the standards set forth in *Chapter 1111 – Microbiological Examination of*  
 264 *Nonsterile Products: Acceptance Criteria for Pharmaceutical Preparations and Substances*  
 265 *for Pharmaceutical Use of the United States Pharmacopeia (USP)*, available at [www.usp.org](http://www.usp.org).

- 267 b. With respect to the mycotoxins test, a marijuana sample shall be deemed to have passed if  
268 it meets the following standards:
- 269 i. Aflatoxin B1 < 20 parts per billion (ppb);
  - 270 ii. Aflatoxin B2 < 20 ppb;
  - 271 iii. Aflatoxin G1 < 20 ppb;
  - 272 iv. Aflatoxin G2 < 20 ppb; and
  - 273 v. Ochratoxin A < 20 ppb.
- 274 c. With respect to the heavy metals test, a marijuana sample shall be deemed to have passed if  
275 it meets the following standards:
- 276 i. Arsenic < 10 parts per million (ppm);
  - 277 ii. Cadmium < 4.1 ppm;
  - 278 iii. Lead < 10 ppm; and
  - 279 iv. Mercury < 2 ppm
- 280 d. With respect to the pesticide chemical residue test, a marijuana sample shall be deemed to  
281 have passed if it satisfies the most stringent acceptable standard for a pesticide chemical  
282 residue in any food item as set forth in Subpart C of the United States Environmental  
283 Protection Agency's "Tolerances and Exemptions for Pesticide Chemical Residues in Food",  
284 as found in 40 CFR 180 or its successor.
- 285 e. With respect to the residual solvent test, a marijuana sample shall be deemed to have passed if  
286 the following solvents are below the listed limits:
- 287 i. Butanes < 800 ppm;
  - 288 ii. Heptanes < 500 ppm;
  - 289 iii. Benzene < 1 ppm;
  - 290 iv. Toluene < 1 ppm;
  - 291 v. Hexanes < 10 ppm; and
  - 292 vi. Total Xylenes < 1 ppm.
- 293 f. With respect to the test for homogeneity, a marijuana sample shall be deemed to have failed if  
294 ten percent of the sample contains more than twenty percent of the total active ingredient.
- 295 g. With respect to the analysis of active ingredients, the following substances, when present,  
296 shall be identified and measured. The maximum variance permitted is fifteen percent from  
297 the labeled amount. For example, a product labeled as containing 10 milligrams of  
298 tetrahydrocannabinol (THC) shall contain no less than 8.5 milligrams THC and no more than  
299 11.5 milligram THC.
- 300 i. THC (tetrahydrocannabinol);
  - 301 ii. THCA (tetrahydrocannabinolic acid);
  - 302 iii. CBD (cannabidiol); and
  - 303 iv. CBDA (cannabidiolic acid).
- 304 6. If a sample of marijuana passes the microbiological, mycotoxin, heavy metal, pesticide chemical  
305 residue, residual solvent, and homogeneity tests, the laboratory shall release the entire batch for  
306 immediate manufacturing, packaging, and labeling for sale to a marijuana pharmacy.
- 307 7. In the event of any test failure, the laboratory shall transmit to LDAF an electronic copy of such  
308 test result at the same time it transmits those results to the producer.
- 309 8. The laboratory shall comply with all rules applicable to the testing of marijuana promulgated by  
310 LDAF.
- 311 9. A producer shall provide the laboratory test results to the marijuana pharmacy for each batch of  
312 marijuana used in a product acquired by the marijuana pharmacy. The pharmacy shall make such  
313 testing results available upon request to their patients, caregivers, and physicians who  
314 recommended such marijuana products dispensed to their patients.
- 315 C. Product Dosage Forms.
- 316 1. The producer shall limit their production of pharmaceutical grade marijuana products to the  
317 following dosage forms:
- 318 a. Oils, extracts, tinctures, or sprays;
  - 319 b. Capsules or pills;
  - 320 c. Topical applications, oils or lotions;

- 321 d. Transdermal patches; or  
322 e. Suppositories.
- 323 2. No marijuana product shall:
- 324 a. Include alcoholic liquor, dietary supplements, or any drug, except for pharmaceutical grade  
325 marijuana. For purposes of this provision, alcoholic liquor does not include any liquid or  
326 solid containing less than one-half of one percent of alcohol by volume, or ethanol-based  
327 tinctures;
- 328 b. Be manufactured or sold as a beverage or confectionary;
- 329 c. Be manufactured or sold in a form or with a design that:
- 330 i. Is obscene or indecent;
- 331 ii. May encourage the use of marijuana for recreational purposes;
- 332 iii. May encourage the use of marijuana for a condition other than a debilitating medical  
333 condition; or
- 334 iv. Is customarily associated with persons under the age of eighteen; or
- 335 d. Have had pesticide chemicals or organic solvents used during the production or  
336 manufacturing process other than those which may be approved by the Commissioner of  
337 LDAF.
- 338 3. Any marijuana product not in compliance with the provisions of this Paragraph shall be deemed  
339 adulterated.
- 340 D. Packaging and Labeling Requirements.
- 341 1. Packaging.
- 342 a. The producer shall ensure every product intended for dispensing to a patient is placed within a  
343 child-resistant, light-resistant, tamper-evident container prior to sale or transport to the  
344 pharmacy.
- 345 i. A package shall be deemed child-resistant if it satisfies the standard for 'special  
346 packaging' as set forth in the United States Consumer Product Safety Commission's  
347 *Poison Prevention Packaging* as found in 16 CFR 1700.1(b)(4) or its successor.
- 348 ii. A package shall be deemed light-resistant if it satisfies the standard set forth in *Chapter*  
349 *671 – Containers: Performance Testing* of the *United States Pharmacopeia (USP)*.
- 350 iii. A package shall be deemed tamper-evident if it clearly indicates prior access to the  
351 container.
- 352 b. Any product containing pharmaceutical grade marijuana or its principal psychoactive  
353 constituent tetrahydrocannabinol (THC) shall be packaged so that one dose contains no more  
354 than 10 milligrams of THC.
- 355 c. If it is not intended for the entire product to be used at a single time, the packaging must be re-  
356 sealable in a manner that maintains its child-resistant property for multiple openings. Single  
357 doses may be placed in a package with other single doses; however, the total amount of active  
358 THC contained within the larger packaging shall not exceed 100 milligrams.
- 359 d. No single container shall contain more than a one month supply of marijuana.
- 360 e. Packaging selected by the producer shall be subject to the following restrictions.
- 361 i. Shall not specifically target individuals under the age of 21 years;
- 362 ii. Shall not bear any resemblance to a trademarked, characteristic or product-specialized  
363 packaging of any commercially available candy, snack, baked good or beverage;
- 364 iii. Shall not use the words "candy" or "candies";
- 365 v. Shall not use a cartoon, color scheme, image, graphic or feature that might make the  
366 package attractive to children; and
- 367 vi. Shall not use a seal, flag, crest, coat of arms or other insignia that could reasonably lead  
368 any person to believe the product has been endorsed, manufactured by, or used by any  
369 state, parish, municipality, or any agent thereof.
- 370 2. Labeling.
- 371 a. Each product shall be labeled by the producer prior to its sale to the marijuana pharmacy.  
372 Each label shall be securely affixed to the package and shall include, at a minimum:
- 373 i. The batch or lot number assigned by the producer to the marijuana plant(s) from which  
374 the marijuana used in the product was harvested;

- 375 ii. A complete list of solvents, chemicals, and pesticides used in the creation of any  
 376 marijuana concentrate;
- 377 iii. A complete list of all ingredients used to manufacture the product, which may include a  
 378 list of any potential allergens contained within, or used in the manufacture of, a product;
- 379 iv. The potency of the THC and CBD in the product, expressed in milligrams for each  
 380 cannabinoids;
- 381 v. The next weight, using a standard of measure compatible with the LMMTS, of the  
 382 product prior to its placement in the shipping container;
- 383 vi. A product expiration date, upon which the product will no longer be fit for consumption.  
 384 Once a label with an expiration date has been affixed to a product, the producer shall not  
 385 alter that date or affix a new label with a later date; and
- 386 vii. A statement the product has been tested for contaminants, that there were no adverse  
 387 findings, and the date of such testing.
- 388 b. The labeling text on any marijuana product shall not make any false or misleading statements  
 389 regarding health or physical benefits to the consumer. Further, each label shall include all of  
 390 the following statements:
- 391 i. "Contains Marijuana. For Medical Use Only. KEEP OUT OF THE REACH OF  
 392 CHILDREN."
- 393 ii. "Marijuana can impair concentration, coordination, and judgment. Do not operate a  
 394 vehicle or machinery under the influence of this drug."
- 395 iii. "There may be additional health risks associated with the consumption of this product  
 396 for women who are pregnant, breastfeeding, or planning to become pregnant."
- 397 iv. A statement that it is illegal for any person to possess or consume the contents of the  
 398 package other than the patient for whom it was recommended.
- 399 c. The labeling text required by this Section shall be no smaller than 1/16 of an inch, shall be  
 400 printed in English, and must be unobstructed and conspicuous.
- 401 E. Distribution of Marijuana Products to Marijuana Pharmacies.
- 402 1. The producer shall maintain complete inventory records in the Louisiana Medical Marijuana  
 403 Tracking System (LMMTS), as required and delineated in rules promulgated by LDAF.
- 404 2. The producer shall maintain comprehensive records in LMMTS of all marijuana products  
 405 distributed to the marijuana pharmacies, whether by transport and delivery to the pharmacy or by  
 406 transfer to the agent of the pharmacy at the production facility.
- 407 3. In the event the producer delivers the products to the pharmacy, such activities must be in  
 408 compliance with the rules for that activity promulgated by LDAF.
- 409 4. In the event the pharmacy elects to send an agent to the production facility to retrieve products  
 410 ordered by the pharmacy, the personnel at the production facility shall verify the identity and  
 411 credentials of the pharmacy's agent before releasing the products to the agent.
- 412 a. The producer shall provide a copy of the transport manifest generated by LMMTS, which  
 413 shall contain the following information:
- 414 i. The name and address of the producer selling the product;
- 415 ii. The name and address of the pharmacy purchasing the product;
- 416 iii. The name and quantity (by weight or unit) of marijuana products included in the  
 417 delivery;
- 418 iv. The date of transport and time of departure from the production facility;
- 419 v. The make, model, and license plate number of the delivery vehicle;
- 420 vi. The date and time of arrival at the pharmacy; and
- 421 vii. The name and signature of the pharmacy's agent.
- 422 b. The pharmacy's agent shall compare the transport manifest to the products transferred to his  
 423 possession, and when correct, shall return a signed copy of the manifest to the producer before  
 424 departing from the production facility.
- 425 c. The pharmacy's agent shall place the products in a locked, safe, and secure storage  
 426 compartment that is part of the motor vehicle, or in the alternative, in a locked storage  
 427 container that has a separate key or combination pad, and further, the product shall not visible

- 428 ~~or recognizable from outside the vehicle, and further, the vehicle shall not bear the name of~~  
 429 ~~the pharmacy or any markings to indicate the vehicle contains marijuana~~  
 430 d. ~~The pharmacy's agent shall maintain physical control of the vehicle at all times during the~~  
 431 ~~transport, and shall not leave the vehicle unattended at any time.~~  
 432 e. ~~The pharmacy's agent shall have access to a secure form of communication with the~~  
 433 ~~pharmacy as well as the ability to contact law enforcement through the 911 emergency~~  
 434 ~~system.~~  
 435 f. ~~Upon arrival at the pharmacy, the pharmacy's agent shall deliver the product to a pharmacist~~  
 436 ~~for verification of receipt; the pharmacist shall time, date, and sign the delivery manifest.~~  
 437

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

439 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR  
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### 442 ~~§2443.2445.~~ **Marijuana pharmacy permit**

- 443 A. The board shall develop and configure a pharmacy permit designated as a marijuana pharmacy permit.  
 444 B. The dispensing of marijuana for therapeutic purposes shall be restricted to those pharmacies holding a  
 445 marijuana pharmacy permit issued by the board, and only when that permit is in active or restricted  
 446 status.  
 447 C. When issued to a successful applicant, the permit will authorize the operation of a marijuana pharmacy  
 448 in compliance with the provisions of this Subchapter.  
 449 D. ~~The ownership of the organization applying for the permit, as well as the specific location for which~~  
 450 ~~the permit is sought, shall be fully disclosed in the application form submitted to the board, and further,~~  
 451 ~~when the permit is issued, it shall be valid only for the owner and the specific location noted on the~~  
 452 ~~application and recorded on the permit.~~  
 453 E. A marijuana pharmacy permit is non-transferable from one owner to another owner, and moreover, in  
 454 the event the ownership of the organization that acquired the permit changes by fifty percent or more,  
 455 then the ownership will be deemed sufficiently different as to require a new marijuana pharmacy  
 456 permit. A marijuana pharmacy permit owner continuing to operate a marijuana pharmacy after its  
 457 ownership has changed by fifty percent or more without obtaining a new marijuana pharmacy permit  
 458 shall be deemed guilty of operating a pharmacy without a valid permit, in violation of R.S. 37:1221.  
 459 F. The board shall not have more than ten active marijuana pharmacy permits at any given time. To  
 460 facilitate compliance with that legislative restriction, the board recognizes the nine regions previously  
 461 declared by the Department ~~of Health~~, to wit:  
 462 1. *Metropolitan*, composed of the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard;  
 463 2. *Capitol*, composed of the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville,  
 464 Pointe Coupee, West Baton Rouge, and West Feliciana;  
 465 3. *Teche*, composed of the parishes of Assumption, Lafourche, St. Charles, St. James, St. John, St.  
 466 Mary, and Terrebonne;  
 467 4. *Acadian*, composed of the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St.  
 468 Martin, and Vermilion;  
 469 5. *Southwest*, composed of the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson  
 470 Davis;  
 471 6. *Central*, composed of the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides,  
 472 Vernon, and Winn;  
 473 7. *Northwest*, composed of the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto,  
 474 Natchitoches, Red River, Sabine, and Webster;  
 475 8. *Northeast*, composed of the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln,  
 476 Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll; and  
 477 9. *Southeast*, composed of the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and  
 478 Washington.  
 479 G. To achieve an equitable distribution of the marijuana pharmacy permits across the state, the board shall  
 480 not issue more than one marijuana pharmacy permit within each of the nine regions describe above.  
 481 However, when each of the nine regions has a marijuana pharmacy permit located therein, and the

- 482 board is convinced of the need for one additional permit, then it may issue one additional marijuana  
 483 pharmacy permit to a second location within one region. Further expansion will require a legislative  
 484 amendment of the original restriction.
- 485 H. When the board is prepared to receive and process applications for and issue marijuana pharmacy  
 486 permits, it shall publish on its internet web site, and in such other places as the board deems  
 487 appropriate, a notice to that effect. Such notice shall include, but not be limited to:
- 488 1. The maximum number of permits to be awarded;
  - 489 2. Information on how to obtain an application;
  - 490 3. The deadline for receipt of applications;
  - 491 4. Acceptable methods for submitting an application;
  - 492 5. The preferred locations, if any, for the marijuana pharmacy permits; and
  - 493 6. The criteria that shall be considered in awarding the marijuana pharmacy permits.
- 494 I. Following the deadline for receipt of applications, the board shall evaluate each complete and timely  
 495 submitted application and award marijuana pharmacy permits on a competitive basis based on the  
 496 criteria set out in the notice for applications. In the event the board determines there are an insufficient  
 497 number of qualified applicants to award all of the **dispensary marijuana** pharmacy permits the board  
 498 has determined are desirable, the board may republish, in accordance with this section, a notice of open  
 499 applications for **dispensary marijuana** pharmacy permits.
- 500 J. The board shall have the right to amend the notice of open applications prior to the deadline for  
 501 submitting an application. Such amended notice shall be published in the same manner as the original  
 502 notice of open applications.
- 503 K. The board shall have the right to cancel a notice of open applications prior to the award of a marijuana  
 504 pharmacy permit.

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

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

508

509 **§2445.2447. Licensing procedures**

- 510 A. Application for Initial Issuance of Permit
- 511 1. The board shall develop an application form suitable for the marijuana pharmacy permit. The  
 512 board may revise that application form on its own initiative in order to collect the information it  
 513 deems necessary to properly evaluate an applicant.
  - 514 2. The board shall not process applications received by facsimile, or that are incomplete, or  
 515 submitted with the incorrect fee.
  - 516 3. The applicant shall fully disclose the ownership of the entity that will own the permit as well as  
 517 any additional holding companies that may exist, such that any natural person with any ownership  
 518 interest shall be fully identified.
  - 519 4. In the event any person holding any ownership interest in the entity submitting an application for a  
 520 marijuana pharmacy permit has engaged in any of the following activities, the entity shall be  
 521 disqualified and the board shall not issue a marijuana pharmacy permit to that applicant:
    - 522 a. Within the five year period preceding the date of the application, has made a contribution to a  
 523 candidate in a Louisiana election governed by the provisions of the Campaign Finance  
 524 Disclosure Act [R.S. 14:1481]; or
    - 525 b. Within the two year period preceding the date of the application, the person or any member of  
 526 the person's immediate family held a position in state service, including but not limited to, a  
 527 legislator, statewide public official, state employee, or member of the board. For the purposes  
 528 of this Section, "immediate family" has the same meaning as provided in R.S. 42:1102 [*his*  
 529 *children and the spouses of his children, his brothers and their spouses, his sisters and their*  
 530 *spouses, his parents, his spouse, and the parents of his spouse*].
  - 531 5. The applicant shall provide a complete street address reflecting the location at which the applicant  
 532 proposes to operate the marijuana pharmacy.
  - 533 6. The applicant shall provide the following information and records in the application process:
    - 534 a. A detailed description of any other services or products to be offered by the marijuana  
 535 pharmacy;

- 536 b. Details regarding the applicant's plans to maintain adequate control against the diversion,  
537 theft, or loss of marijuana;
- 538 c. Documents or information sufficient to establish the applicant is authorized to conduct  
539 business in Louisiana and that all applicable state and local building, fire and zoning  
540 requirements, and local ordinances will be met;
- 541 d. Text and graphic materials showing the exterior appearance of the proposed marijuana  
542 pharmacy and its site compatibility with commercial or residential structures already  
543 constructed or under construction within the immediate neighborhood;
- 544 e. A blueprint of the proposed marijuana pharmacy which shall, at a minimum, show and  
545 identify:
- 546 i. The square footage of the area which will constitute the prescription department;
- 547 ii. The square footage of the overall marijuana pharmacy;
- 548 iii. The square footage and location of areas used as storerooms or stockrooms;
- 549 iv. The size of the counter that will be used for the dispensing and sale of marijuana;
- 550 v. The location of the marijuana pharmacy sink and refrigerator, if any;
- 551 vi. The location of all approved safes and vaults that will be used to store marijuana;
- 552 vii. The location of the toilet facilities;
- 553 viii. The location of the break room and location of lockers for personal belongings;
- 554 ix. The location and size of the patient counseling area(s);
- 555 x. The location(s) where any other products or services will be offered; and
- 556 xi. The location of all areas that may contain marijuana showing the location of walls,  
557 partitions, counters, and all areas of ingress and egress.
- 558 f. Such other documents and information reasonably required by the board to determine the  
559 applicant's suitability for permitting or to protect the public's health and safety.
- 560 7. The owner's managing officer and the pharmacist-in-charge shall be fully identified within the  
561 application and they both shall sign and date the application form.
- 562 8. The applicant shall direct the following persons to submit to the criminal history record check  
563 process used by the board, at the applicant's expense:
- 564 a. The owner's managing officer;
- 565 b. The pharmacist-in-charge; and
- 566 c. Any person holding any share of ownership in the entity; provided however that any person  
567 not holding any share of ownership but holding a corporate officer position in the entity may  
568 be required to submit to the criminal history record check.
- 569 9. The requirement for a criminal history record check may be waived by the board in the event the  
570 person has already completed that process for the board within the two year period prior to the  
571 date of the application.
- 572 10. The applicant shall supplement the application form with sufficient documentation of the  
573 applicant's financial capacity to properly operate a marijuana pharmacy, including but not limited  
574 to, evidence of his **ability to maintain an** escrow account, **letter of credit, or surety bond** of at least  
575 one million dollars in a financial institution headquartered in Louisiana.
- 576 a. The pharmacy's one million dollar escrow account, letter of credit, or surety bond shall be  
577 payable to the board in the event the board determines after a due process hearing that the  
578 pharmacy has failed to timely and successfully complete the construction of the pharmacy or  
579 to operate such pharmacy in compliance with the provisions of this Subchapter.
- 580 b. The board shall permit the pharmacy's escrow account, letter of credit, or surety bond to be  
581 reduced by two hundred fifty thousand dollars upon the successful achievement of each of the  
582 following milestones:
- 583 c. In the event a pharmacy voluntarily chooses not to renew the pharmacy permit and follows  
584 proper closure procedures, the board shall extinguish the obligations under the escrow  
585 account, letter of credit, or surety bond at the end of the permit's term.
- 586 11. In the event any information contained in the application or accompanying documents changes  
587 after being submitted to the board, the applicant shall immediately notify the board in writing and  
588 provide corrected information in a timely manner so as not to disrupt the application processing or  
589 permit selection process.

- 590 12. The board may verify information contained in each application and accompanying documentation  
591 in order to assess the applicant's character and fitness to operate a marijuana pharmacy. The  
592 board may verify the information and assess the applicant's character and fitness by, among other  
593 actions:
- 594 a. Contacting the applicant by telephone, electronic mail, mail, or such other means as is  
595 reasonable under the circumstances;
  - 596 b. Conducting one or more on-site visits of the location for the proposed marijuana pharmacy, or  
597 other pharmacies associated with the applicant or any of the applicant's owners;
  - 598 c. Conducting background checks or contacting references of the applicant, its managing officer,  
599 any of the corporate officers, or any shareholder, as well as the pharmacist-in-charge;
  - 600 d. Contacting state regulators in any other states where the applicant, the applicant's owners or  
601 corporate officers, or its pharmacist-in-charge are engaged in, or have sought to be engaged  
602 in, any aspect of that state's medical marijuana program; or
  - 603 e. Requiring a personal meeting with the owner's managing officer and the pharmacist-in-charge  
604 and the submission of additional information or documents.
- 605 13. The application shall be accompanied by payment of the **non-refundable application fees**  
606 authorized by R.S. 37:1184 **and 40:1013**.
- 607 14. When the staff has determined an entity's application package is complete, the application shall be  
608 referred to the board's Application Review Committee, and further, the applicant shall be properly  
609 notified at least thirty days prior to the committee's hearing during which their application will be  
610 considered.
- 611 ~~15. When the staff has determined that an entity's application package is complete, the application  
612 shall be referred to the board's Application Review Committee, and the applicant shall be properly  
613 notified at least thirty days prior to the committee's hearing during which their application will be  
614 considered.~~
- 615 16. During the hearing held by the board's Application Review Committee, the members shall  
616 consider, but are not limited to, the following criteria when evaluating an application for a  
617 marijuana pharmacy permit:
- 618 a. The character and fitness of the owner's managing officer, the pharmacist-in-charge, any of  
619 the owners and any other person who may have control or influence over the operation of the  
620 proposed marijuana pharmacy;
  - 621 b. The location for the proposed marijuana pharmacy including, but not limited to:
    - 622 i. Its proximity to previously approved marijuana pharmacies or locations of proposed  
623 marijuana pharmacies with pending applications;
    - 624 ii. Whether the patient population in the area proposed by the marijuana pharmacy permit  
625 applicant justifies the need for a marijuana pharmacy, or an additional marijuana  
626 pharmacy, in that area;
    - 627 iii. Whether the proximity of the proposed marijuana pharmacy will have a detrimental  
628 effect upon any place used primarily for religious worship, public or private school,  
629 convent, charitable institution, whether supported by private or public funds, hospital or  
630 veterans' home or any camp or military establishment; or
    - 631 iv. Whether the number of marijuana pharmacies in the locality is such that the granting of a  
632 permit is detrimental to the public interest. In reaching a conclusion in this respect, the  
633 board may consider the population of, the number of like permits and number of all -  
634 permits existent in, the particular municipality and the immediate neighborhood  
635 concerned, the effect that a new permit may have on such town or neighborhood or on  
636 like permits existent in such municipality or neighborhood.
  - 637 c. The applicant's ability to maintain adequate control against the diversion, theft and loss of  
638 marijuana;
  - 639 d. The applicant's ability to maintain the knowledge, understanding, judgment, procedures,  
640 security controls and ethics to ensure optimal safety and accuracy in the dispensing and sale  
641 of marijuana; and

- 642 e. The extent to which the applicant or any of the applicant's owners have a financial interest in  
 643 any other permittee, licensee, registrant, or other applicant currently or previously  
 644 credentialed by the board; and  
 645 f. Any other reason provided by any federal law or rule or state law or rule that is not  
 646 inconsistent with the Act.
- 647 17. Following their evaluation of the applications for a marijuana pharmacy permit, the committee  
 648 shall develop a recommendation for presentation to the board at the board's next meeting. The  
 649 board may accept the committee's recommendation, select an alternative applicant, reject all of the  
 650 applicants, or return all the applicants to the committee for their reconsideration.
- 651 18. The board may disqualify any applicant who:  
 652 a. Submits an incomplete, false, inaccurate, or misleading application;  
 653 b. Fails to submit an application by the published deadline; or  
 654 c. Fails to pay all applicable fees.
- 655 19. The decision of the board to award or not to award a marijuana pharmacy permit to an applicant  
 656 shall be final.
- 657 20. Upon the approval of an application ~~and notice of the pending award of the marijuana pharmacy~~  
 658 ~~permit, the applicant shall tender the pharmacy permit fees authorized by R.S. 37:1184 and R.S.~~  
 659 ~~40:1013. Upon receipt of the proper fees,~~ the board shall issue the marijuana pharmacy permit and  
 660 state controlled dangerous substance license to the applicant.
- 661 21. If an applicant has been awarded a marijuana pharmacy permit and has not commenced operation  
 662 of such pharmacy within 180 days of being notified of the marijuana pharmacy permit award, the  
 663 board may, in the board's discretion, rescind such marijuana pharmacy permit, unless such delay  
 664 was caused by ~~an Act of God~~ **Force Majeure**. A marijuana pharmacy shall be deemed to have  
 665 commenced operation if the pharmacy is capable of operating in accordance with the applicant's  
 666 approved application. In the event a marijuana pharmacy permit is rescinded pursuant to this  
 667 subsection, the board shall award a marijuana pharmacy permit by selecting among the qualified  
 668 applicants who applied for the marijuana pharmacy permit **subject to rescission that was rescinded**.  
 669 If no other qualified applicant applied for such marijuana pharmacy permit or satisfied the criteria  
 670 for awarding a permit, the board shall publish, in accordance with this section, a notice of open  
 671 applications for marijuana pharmacy permits.
- 672 B. Application for Renewal of Permit
- 673 1. All marijuana pharmacy permits expire at midnight on December 31 of every year, regardless of  
 674 the date of its initial issuance.
- 675 2. The owner's managing officer and pharmacist-in-charge of the marijuana pharmacy permit shall  
 676 complete, sign and date a permit renewal application form supplied by the board, and further, shall  
 677 include all information requested on the form and include the pharmacy permit renewal fee and  
 678 state controlled dangerous substance license renewal fee authorized in R.S. 37:1184 prior to the  
 679 expiration the pharmacy permit.
- 680 3. The board shall not process applications received by facsimile, or that are incomplete, or  
 681 submitted with the incorrect fees.
- 682 4. In the event the pharmacy does not submit a properly completed renewal application form and fee  
 683 to the board prior to the expiration of the permit, the permit shall be rendered null and void. A  
 684 marijuana pharmacy shall not operate with an expired permit. Evidence it has done so will  
 685 provide sufficient basis for the board to discipline the permit for violation of R.S. 37:1241(12).
- 686 5. An application for the late renewal of an expired (lapsed) marijuana pharmacy permit that is  
 687 received in the board office no later than thirty days after the expiration date of the permit may be  
 688 processed by the board staff, provided the appropriate delinquent fee authorized in R.S. 37:1184 is  
 689 included with the application.
- 690 6. A marijuana pharmacy permit not renewed by thirty days after the expiration date shall be  
 691 automatically terminated by the board.
- 692 7. An application for the reinstatement of a terminated marijuana pharmacy permit shall be referred  
 693 to the board's Reinstatement Committee for its consideration.
- 694 C. Application for Reinstatement of **Lapsed Terminated**, Suspended, or Revoked Marijuana Pharmacy  
 695 Permits

- 696 1. The applicant shall complete an application form for this specific purpose supplied by the board;  
 697 the application shall require the inclusion of the annual renewal fee, the delinquent fee, the  
 698 administrative hearing fee, and the reinstatement fees authorized in R.S. 37:1184 and the program  
 699 fee authorized in R.S. 40:1013.
- 700 ~~2. An application for the reinstatement of a terminated marijuana pharmacy permit which has been~~  
 701 ~~expired;~~  
 702 ~~a. less than one year may be approved by the board's administrative officers;~~  
 703 ~~b. more than one year but less than five years may be approved by a member of the board~~  
 704 ~~charged with such duties; or~~  
 705 ~~c. more than five years may only be approved by the full board following a hearing to determine~~  
 706 ~~whether the reinstatement of the permit is in the public's best interest.~~
- 707 3. An application for the reinstatement of a marijuana pharmacy permit previously terminated,  
 708 suspended or revoked by the board may only be approved ~~by the full board~~ following a  
 709 preliminary hearing to determine whether the reinstatement of the permit is in the public's best  
 710 interest.
- 711 ~~4. An application requiring a reinstatement hearing shall be accompanied by payment of the~~  
 712 ~~administrative hearing fee identified in R.S. 37:1184.~~
- 713 D. Maintenance of Marijuana Pharmacy Permit
- 714 1. A marijuana pharmacy permit is valid only for the entity or person to whom it is issued and shall  
 715 not be subject to sale, assignment or other transfer, voluntary or involuntary, nor shall the permit  
 716 be valid for any premises other than the business location recorded thereon.
- 717 2. A duplicate or replacement permit shall be issued upon the written request of the licensee and  
 718 payment of the fee authorized in R.S. 37:1184. A duplicate or replacement license shall not serve  
 719 or be used an additional or second license.
- 720 3. Prior to any person affiliating with a marijuana pharmacy, including any change in the ownership  
 721 of the permit, such person shall comply with the credentialing requirements of the board. No  
 722 person shall commence their affiliation with a marijuana pharmacy until approved by the board.
- 723 4. Prior to making any change in the marijuana pharmacy's name or trade name, the owner of the  
 724 permit shall notify the board and request approval of the contemplated name or trade name. The  
 725 board shall reasonably accommodate such requests, unless there is cause not to do so, e.g.,  
 726 duplicative or misleading names. The marijuana pharmacy shall not change its name or trade  
 727 name until approved by the board.
- 728 5. Prior to any modification, remodeling, expansion, reduction, other physical, non-cosmetic  
 729 alteration of the marijuana pharmacy, the owner of the permit shall notify the board and request  
 730 approval of the contemplated change(s). The board shall reasonably accommodate such request,  
 731 unless there is cause not to do so, e.g., inconsistent with operating requirements. The marijuana  
 732 pharmacy shall not make such changes until approved by the board.
- 733 6. Prior to any change in the location of a marijuana pharmacy, the owner of the permit shall submit  
 734 an application form for that purpose supplied by the board and pay the appropriate fee authorized  
 735 in R.S. 37:1184. The board may require an inspection of the new location prior to the issuance of  
 736 the permit for the new location. No marijuana pharmacy shall commence operation in a new  
 737 location until approved by the board.
- 738 7. The owner of the pharmacy permit shall notify the board no later than ten days following a change  
 739 in the pharmacist-in-charge for the marijuana pharmacy permit.
- 740 8. The owner of the pharmacy permit shall notify the board no later than ten days following a change  
 741 in the owner's managing officer for the marijuana pharmacy permit.
- 742 9. In the event a marijuana pharmacy contemplates permanent closure, the pharmacist-in-charge shall  
 743 notify the board in accordance with the rules governing the permanent closure of a pharmacy as  
 744 described in Chapter 11 of the board's rules.

745  
 746 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

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

748  
 749 **§2447.2449. Marijuana pharmacy personnel; therapeutic marijuana designation**

- 750 A. No person shall be employed by, or affiliated with, a marijuana pharmacy prior to their eighteenth  
751 birthday.
- 752 B. The owner's managing officer and all persons holding a professional credential from the board shall  
753 first obtain a Therapeutic Marijuana (TM) designation from the board before affiliating with a  
754 marijuana pharmacy.
- 755 C. The board may issue a TM designation to a person who has filed the application for that designation  
756 supplied by the board and has completed a criminal background check for the board within the two  
757 year period prior to the date of the application for the TM designation, and that person:
- 758 1. Has been listed as an owner's managing officer on an application for a marijuana pharmacy  
759 permit, or on a request to become a replacement owner's managing officer for an existing  
760 marijuana pharmacy permit; or
  - 761 2. Holds one of the following professional credentials issued by the board – pharmacist, pharmacy  
762 intern, or certified pharmacy technician – and further, that professional credential was issued by  
763 the board at least two years prior to the date of the application for the TM designation, is in active  
764 status and has not been disciplined by the board within the two year period prior to the date of the  
765 application for the TM designation.
- 766 D. The board may restrict, suspend, or revoke a TM designation for cause, but only pursuant to the  
767 Administrative Procedure Act.
- 768 E. No pharmacist, pharmacy intern, or certified pharmacy technician may practice within a marijuana  
769 pharmacy in the absence of an active professional credential, an active TM designation, as well as  
770 access privileges to the state prescription monitoring program. A pharmacist may elect to not allow a  
771 pharmacy intern or pharmacy technician to function as his delegate with respect to access privileges to  
772 the state prescription monitoring program, but the pharmacist shall have such access. A pharmacy  
773 technician candidate shall not practice in a marijuana pharmacy.
- 774 F. A pharmacist shall first acquire a Pharmacist-in-Charge (PIC) privilege, as described in §1105 of the  
775 board's rules, and the TM designation, as described in this Section, before accepting an appointment as  
776 the PIC of a marijuana pharmacy.
- 777 1. The PIC of the marijuana pharmacy shall comply with the requirements of §1105 of the board's  
778 rules.
  - 779 2. The PIC shall be responsible for notice to the board of all pharmacists, pharmacy interns, and  
780 pharmacy technicians practicing at the marijuana pharmacy. The PIC shall cause such notice to be  
781 received in the board office in written form (mail, fax, or electronic mail) no later than ten days  
782 after the arrival or departure of the pharmacist, pharmacy intern, or pharmacy technician.
- 783 G. The PIC shall insure and document the initial and continuing competency of the entire professional  
784 staff to provide the pharmacy care services rendered at the marijuana pharmacy. At a minimum, the  
785 PIC shall provide access to education and training in the following domains:
- 786 1. Policies and procedures of the pharmacy, especially those relating to the tasks and functions that  
787 employee is expected to perform;
  - 788 2. Professional conduct, ethics, and patient confidentiality; and
  - 789 3. Developments in the therapeutic use of marijuana.
- 790 Further, the PIC shall document such education and training, provide such records to the board when  
791 requested, and retain such records for at least two years after the employee disassociates with the  
792 pharmacy.
- 793 H. The PIC shall comply with the professional supervision rules and ratios found in Chapter 7 (pharmacy  
794 interns) and Chapter 9 (pharmacy technicians) of the board's rules.
- 795 I. In addition to the scope of practice limitations found in Chapter 9 of the board's rules, pharmacy  
796 technicians practicing in a marijuana pharmacy shall not:
- 797 1. Consult with a patient or the patient's caregiver regarding marijuana or other drugs, either before  
798 or after marijuana has been dispensed, or regarding any medical information contained in a patient  
799 medication record;
  - 800 2. Consult with the physician who issued the recommendation/prescription/order for marijuana to the  
801 patient, or the physician's agent, regarding a patient or any medical information pertaining to the  
802 patient's marijuana or any other drug the patient may be taking;
  - 803 3. Interpret the patient's clinical data or provide medical advice;

- 804 4. Perform professional consultations with physicians, nurses, or other health care professionals or  
 805 their authorized agents; or  
 806 5. Determine whether a different brand or formulation of marijuana should be dispensed for the  
 807 marijuana product or formulation recommended/prescribed/ordered by the physician or requested  
 808 by the patient or his caregiver.  
 809 ~~J. Notwithstanding the provisions of Subsection I of this Section, a pharmacy technician may  
 810 communicate with a physician who recommended/prescribed/ordered marijuana, or the physician's  
 811 agent, to obtain a clarification on the recommendation/prescription/order, provided the supervising  
 812 pharmacist is aware of the request for the clarification.~~

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

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

816

817 **§2449.2451. Operation of marijuana pharmacy**

- 818 A. No person may operate a marijuana pharmacy without a marijuana pharmacy permit issued by the  
 819 board, and further, that permit shall be in active or restricted status. A pharmacist shall be on duty at  
 820 all times during the regular open hours of the marijuana pharmacy.  
 821 B. A marijuana pharmacy shall not dispense marijuana from, obtain marijuana from, or transfer marijuana  
 822 to, a location outside of the state of Louisiana.  
 823 C. A marijuana pharmacy shall not obtain, cultivate, deliver, transfer, transport, sell or dispense marijuana  
 824 except:  
 825 1. It may acquire marijuana from an authorized producer pursuant to the provisions of R.S. 40:1046;  
 826 and  
 827 2. It may dispense and sell marijuana to a patient with a recommendation/prescription/order for such  
 828 marijuana or the patient's caregiver.  
 829 D. No person at a marijuana pharmacy shall provide marijuana samples.  
 830 E. A marijuana pharmacy shall sell marijuana products only in the original sealed containers  
 831 or packaging as delivered by the producer, except that a pharmacist may remove the marijuana product  
 832 from the producer's child-resistant container or package and place the marijuana product in a non-  
 833 child-resistant, secure and light-resistant container upon a written request from the patient or caregiver  
 834 so long as all original labeling is maintained with the product.  
 835 F. Only a pharmacist may dispense marijuana, and only a pharmacist, pharmacy intern, or pharmacy  
 836 technician may sell marijuana to patients and caregivers. A pharmacy intern or pharmacy technician  
 837 may assist, under the direct supervision of a pharmacist, in the dispensing of marijuana.  
 838 G. A marijuana pharmacy shall place all products sold to the patient or caregiver in an opaque package  
 839 that shall not indicate the contents of the package, the originating facility or in any other way cause  
 840 another person to believe that the package may contain marijuana.  
 841 H. A marijuana pharmacy shall not permit any person to enter the prescription department unless that  
 842 person's responsibilities necessitate access to the department and then for only as long as necessary to  
 843 perform the person's job duties.  
 844 I. While inside the pharmacy, all pharmacy employees shall wear name tags or similar forms of  
 845 identification that clearly identify them to the public, including their position at the pharmacy.  
 846 J. A marijuana pharmacy shall be open for qualifying patients and primary caregivers to purchase  
 847 marijuana products for a minimum of 10 hours per week.  
 848 1. A marijuana pharmacy that closes during its normal hours of operation shall implement  
 849 procedures to notify patients and caregivers of when the marijuana pharmacy will resume normal  
 850 hours of operation. Such procedures may include, but are not limited to, telephone system  
 851 messages and conspicuously posted signs.  
 852 2. In the event the pharmacist on duty leaves the prescription department, the prescription department  
 853 shall comply with the provisions of §1109 (temporary absence) or §1111 (closure) of the board's  
 854 rules.  
 855 K. A marijuana pharmacy shall provide information to patients and caregivers regarding the possession  
 856 and use of marijuana. Such informational material shall include information related to:

- 857 1. Limitations on the right to possess and use marijuana pursuant to R.S. 40:1046;  
 858 2. Safe techniques for proper use of marijuana and paraphernalia;  
 859 3. Alternative methods and forms of consumption **or inhalation** by which one can use marijuana;  
 860 4. Signs and symptoms of substance abuse; and  
 861 5. Opportunities to participate in substance abuse programs.
- 862 L. The marijuana pharmacy shall establish, implement and adhere to a written alcohol-free,  
 863 drug-free and smoke-free work place policy, which shall be available to the board upon request.
- 864 M. The receipt of all deliveries from producers shall be carried out under the direct supervision of a  
 865 pharmacist who shall be present to accept the delivery. Upon delivery, the marijuana shall immediately  
 866 be placed in an approved safe or approved vault within the pharmacy where marijuana is stored.
- 867 **N. In the event a marijuana pharmacy intends to deliver a dispensed marijuana product to the patient or**  
 868 **caregiver, the pharmacy shall use its own drivers, and further, shall not place such products with a**  
 869 **postal service or any commercial carrier.**
- 870 O. No marijuana pharmacy shall sell anything other than marijuana products; however, the pharmacy may  
 871 elect to sell over-the-counter (OTC) medications and/or durable medical equipment (DME) from the  
 872 same premises but outside the prescription department.
- 873 P. No marijuana shall be consumed on the premises of a marijuana pharmacy.
- 874 Q. No person associated with a marijuana pharmacy shall enter into any agreement with a physician or  
 875 health care facility concerning the provision of services or equipment that may adversely affect any  
 876 person's freedom to choose the marijuana pharmacy at which the patient or caregiver will purchase  
 877 marijuana.
- 878 R. No marijuana shall be sold, dispensed or distributed via a delivery service or any other manner outside  
 879 of a marijuana pharmacy, except that a caregiver may deliver marijuana to the caregiver's patient.
- 880 S. No marijuana shall be sold when the marijuana pharmacy is closed and not open for business.
- 881 T. Board representatives, local law enforcement or other federal, state or local government officials may  
 882 enter any area of a marijuana pharmacy if necessary to perform their governmental duties.
- 883 U. Right of inspection. The board, or its agent, representative, or designee, is authorized:  
 884 1. To enter a marijuana pharmacy at any time during its hours of operation, or any other place,  
 885 including a vehicle, wherein marijuana is held, dispensed, sold, or otherwise disposed of;  
 886 2. To inspect within reasonable limits and in a reasonable manner, such place and all pertinent  
 887 equipment, finished and unfinished material, containers and labeling, and all things therein,  
 888 including records, files, financial data, sales data, shipping data, pricing data, employee data,  
 889 research, papers, processes, controls and facilities; and  
 890 3. To inventory any stock of marijuana therein and obtain samples of any marijuana or marijuana  
 891 product, any labels or containers for marijuana, paraphernalia, and of any finished and unfinished  
 892 material.
- 893 V. Inspection of records. Every person required to prepare, obtain or keep records, logs, reports or other  
 894 documents, and every person in charge, or having custody, of such documents shall maintain such  
 895 documents in an auditable format for no less than two years. Upon request, such person shall make  
 896 such documents immediately available for inspection and copying by the board or its authorized  
 897 representative. In complying with this Section, no person shall use a foreign language or codes or  
 898 symbols to designate marijuana types or persons in the keeping of any required document.

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

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

902  
 903 **§2451. Escrow Account Terms** *(contents moved to §2447.A.10 – lines 576-585)*

- 904 A. The marijuana pharmacy's one million dollar escrow account, letter of credit or surety bond shall be  
 905 payable to the board in the event the board determines after a hearing that the marijuana pharmacy has  
 906 failed to timely and successfully complete the construction of a dispensary pharmacy or to continue to  
 907 operate such dispensary pharmacy in a manner that provides a substantially uninterrupted supply to its  
 908 usual customers during the term of the permit.

- 909 B. The board shall permit the dispensary pharmacy's one million dollar escrow account, letter of credit or  
 910 surety bond to be reduced by two hundred fifty thousand dollars upon the successful achievement of  
 911 each of the following milestones:
- 912 1. A determination by the board that the pharmacy is fully operational and able to commence  
 913 dispensing of marijuana as provided for in this Subchapter;
  - 914 2. A determination by the board that the pharmacy remained operational without substantial  
 915 interruption and without any violation of law or regulation for a one year period; and
  - 916 3. A determination by the board that the pharmacy remained operational without substantial  
 917 interruption and without any violation of law or regulation for an additional two consecutive years.
- 918 C. If a pharmacy voluntarily chooses not to renew the pharmacy permit and follows proper closure  
 919 procedures, the board shall extinguish the obligations under the escrow account, letter of credit or  
 920 surety bond at the end of the permit's term.

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

923 **HISTORICAL NOTE:** Promulgated by the Department of Health, Board of Pharmacy, LR

### 924 §2453. Security requirements for marijuana pharmacies

- 925 A. A marijuana pharmacy shall:
- 926 1. Store all marijuana in an approved safe or vault, as described in §2715.A.1 of the board's rules,  
 927 and in such a manner as to prevent diversion, theft, or loss;
  - 928 2. Maintain all marijuana in a secure area or location accessible only to specifically authorized  
 929 employees, which shall include only the minimum number of employees essential for efficient  
 930 operation;
  - 931 1. Keep all approved safes and vaults securely locked and protected from entry, except for the actual  
 932 time required to remove or replace marijuana;
  - 933 2. Keep all locks and security equipment in good working order;
  - 934 3. Not allow keys to be left in the locks and not store or place keys in a location accessible to persons  
 935 other than specifically authorized employees;
  - 936 4. Not allow other security measures, such as combination numbers, passwords or electronic or  
 937 biometric security systems, to be accessible to persons other than specifically authorized  
 938 employees;
  - 939 5. Keep the pharmacy securely locked and protected from entry by unauthorized employees;
  - 940 6. Keep the outside perimeter of the pharmacy premises well-lit; and
  - 941 7. Post a sign at all entry ways into any area of the pharmacy containing marijuana, including a room  
 942 with an approved safe or vault, which sign shall be a minimum of twelve inches in height and  
 943 twelve inches in width which shall state: "*Do Not Enter – Limited Access Area – Access Limited  
 944 to Authorized Employees Only*" in lettering no smaller than one-half inch in height.
- 945 B. All dispensary pharmacies shall have an adequate security system to prevent and detect diversion, theft  
 946 or loss of marijuana utilizing commercial grade equipment, which shall include at a minimum include:
- 947 1. A perimeter alarm;
  - 948 2. Motion detector;
  - 949 3. Video cameras in all areas that may contain marijuana and at all points of entry and exit, which  
 950 shall be appropriate for the normal lighting conditions of the area under surveillance. The  
 951 dispensary pharmacy shall direct cameras at all approved safes and vaults, dispensing areas,  
 952 marijuana sales areas and any other area where marijuana is being stored or handled. At entry and  
 953 exit points, the pharmacy shall angle cameras so as to allow for the capture of clear and certain  
 954 identification of any person entering or exiting the pharmacy.
  - 955 4. Twenty-four hour recordings from all video cameras, which the pharmacy shall make available for  
 956 immediate viewing by the board or its authorized representative upon request and shall retain for  
 957 at least thirty days. If a pharmacy is aware of a pending criminal, civil, or administrative  
 958 investigation or legal proceeding for which a recording may contain relevant information, the  
 959 pharmacy shall retain an unaltered copy of the recording until the investigation or proceeding is  
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- 961 closed or the entity conducting the investigation or proceeding notifies the pharmacy that it is not  
962 necessary to retain the recording.
- 963 a. All video recordings shall allow for the exporting of still images in an industry standard  
964 image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be  
965 archived in a proprietary format that ensures authentication of the video and guarantees  
966 that no alteration of the recorded image has taken place. Exported video shall also have  
967 the ability to be saved in an industry standard file format that can be played on a standard  
968 computer operating system. A pharmacy shall erase all recordings prior to disposal or  
969 sale of the pharmacy.
- 970 5. Duress alarm, which for purposes of this Subsection means a silent security alarm system signal  
971 generated by the entry of a designated code in into an arming station in order to signal that the  
972 alarm user is being forced to turn off the system.
- 973 6. Panic alarm, which for purposes of this Subsection means an audible security alarm system signal  
974 generated by the manual activation of a device intended to signal a life threatening or emergency  
975 situation requiring a law enforcement response;
- 976 7. Holdup alarm, which for purposes of this Subsection means a silent alarm signal generated by the  
977 manual activation of a device intended to signal a robbery in progress;
- 978 8. Automatic voice dialer, which for purposes of this Subsection means any electrical, electronic,  
979 mechanical, or other device capable of being programmed to send a prerecorded voice message,  
980 when activated, over a telephone line, radio or other communication system, to a law enforcement,  
981 public safety or emergency services agency requesting dispatch;
- 982 9. A failure notification system that provides an audible, text or visual notification of any failure in  
983 the surveillance system. The failure notification system shall provide an alert to the pharmacy  
984 within five minutes of the failure, either by telephone, email, or text message;
- 985 10. The ability to immediately produce a clear color still photo that is a minimum of 9600 dpi from  
986 any camera image (live or recorded);
- 987 11. A date and time stamp embedded on all recordings. The date and time shall be synchronized and  
988 set correctly and shall not significantly obscure the picture; and
- 989 12. The ability to remain operational during a power outage.
- 990 C. In addition to the requirements listed in Subsection B above, the pharmacy shall have a back-up alarm  
991 system that shall detect unauthorized entry during times when no employees are present at the  
992 pharmacy and that shall be provided by a company supplying commercial grade equipment, which  
993 shall not be the same company supplying the primary security system.
- 994 D. A pharmacy shall maintain all security system equipment and recordings in a secure location so as to  
995 prevent theft, loss, destruction, or alterations.
- 996 1. A pharmacy shall keep all on-site surveillance rooms locked and shall not use such rooms for any  
997 other function.
- 998 2. A pharmacy shall limit access to surveillance areas to persons that are essential to surveillance  
999 operations, law enforcement agencies, security system service employees, and the board's  
1000 authorized representative.
- 1001 3. A pharmacy shall make available to the board upon request a current list of authorized employees  
1002 and service employees that have access to the surveillance room.
- 1003 E. A **dispensary** pharmacy shall keep all security equipment in good working order and shall test such  
1004 equipment no less than two times per year.
- 1005 F. When a pharmacy presents special security issues, such as an extremely large stock of marijuana,  
1006 exposed handling or unusual vulnerability to, or actual, diversion, theft or loss, the board may require  
1007 additional safeguards, including but not limited to, a supervised watchman service.
- 1008 G. Any marijuana not stored in compliance with this Section, or stored at a location other than that for  
1009 which the pharmacy permit was issued, shall be subject to embargo or seizure by the board.
- 1010 H. In the event any marijuana pharmacy permit is revoked, suspended, or not renewed, the pharmacy shall  
1011 dispose of its entire stock of marijuana in accordance with the disposal provisions in this Subchapter.
- 1012 I. If a pharmacy has provided other safeguards which can be regarded in total as an adequate substitute  
1013 for some element of protection required of the pharmacy, such added protection may be taken into  
1014 account by the board in evaluating overall required security measures.

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

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

### §2455. Reportable security events

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

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

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

### §2457. Standards of practice

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

- 1067 3. A pharmacy intern may assist the pharmacist in the prescription department, but only when in  
 1068 possession of a Louisiana pharmacy intern registration in active status as well as a Therapeutic  
 1069 Marijuana designation. The supervising pharmacist may establish a delegate credential for the  
 1070 pharmacy intern in the state prescription monitoring program.
- 1071 4. A pharmacy technician may assist the pharmacist in the prescription department, but only when in  
 1072 possession of a Louisiana pharmacy technician certificate in active status as well as a Therapeutic  
 1073 Marijuana designation. The supervising pharmacist may establish a delegate credential for the  
 1074 pharmacy technician in the state prescription monitoring program.
- 1075 5. No pharmacy technician candidate may practice in a marijuana pharmacy.
- 1076 6. Additional clerical personnel may also be present at the pharmacy.
- 1077 C. Operational Standards
- 1078 1. The marijuana pharmacy shall comply with the provisions of Chapters 11, 25, 27, 29, and 31 of  
 1079 the board's rules except when this Subchapter grants exceptions or imposes more stringent  
 1080 requirements.
- 1081 2. In the event the marijuana pharmacy intends to close permanently, the pharmacist-in-charge (PIC)  
 1082 shall comply with the pharmacy closure procedures described in Chapter 11 of the board's rules,  
 1083 and further, the owner of the pharmacy permit shall not prevent or interfere with the PIC's  
 1084 performance of those tasks.
- 1085 a. In addition to the other closure requirements, the closing pharmacy shall include in its notice  
 1086 to the board and to the public the identification of the destination pharmacy where the closing  
 1087 pharmacy's prescription records will be transferred. That destination pharmacy shall be the  
 1088 marijuana pharmacy nearest the closing pharmacy, unless otherwise approved by the board.
- 1089 D. Recordkeeping Requirements
- 1090 1. Prescription/recommendation/order (hereinafter, "request") for marijuana
- 1091 a. The pharmacy shall not accept a verbal request.
- 1092 b. In the event the pharmacy receives a request in written form by facsimile, the pharmacy may  
 1093 begin the preparation of the product to be dispensed, but the pharmacist shall not dispense the  
 1094 product until the original form of the request is delivered to him in the pharmacy and he has  
 1095 compared it to the product prepared for dispensing.
- 1096 c. The written request shall bear the manual signature of the authorized prescriber. No other  
 1097 form of signature shall be valid, including (but not limited to) stamps, computer generated  
 1098 signatures, or signatures of anyone other than the authorized prescriber.
- 1099 d. A request generated, signed, and transmitted in electronic format which is compliant with the  
 1100 standards for electronic prescribing of controlled substances identified in 21 CFR 1311 (or its  
 1101 successor) shall be construed as a validly formatted request.
- 1102 2. When the pharmacy receives a request for marijuana from an authorized prescriber in written  
 1103 form, the pharmacist shall cause the form to be scanned and filed using an electronic imaging  
 1104 system in compliance with §1123 of the board's rules.
- 1105 3. Request forms (and electronic images thereof) shall be retained on the pharmacy's premises for at  
 1106 least two years after the date of dispensing, and further, shall be readily retrievable upon request  
 1107 by the board.
- 1108 4. Inventory of marijuana product
- 1109 a. The pharmacist-in-charge shall develop and maintain a perpetual inventory of all marijuana  
 1110 products acquired, held, dispensed, and disposed by the pharmacy.
- 1111 b. The pharmacy shall access the LMMTS and enter all inventory-related transactions in that  
 1112 system.
- 1113 c. In the event the pharmacist-in-charge designates an agent to retrieve new marijuana product  
 1114 inventory from the production facility, the pharmacist shall verify the agent is at least twenty  
 1115 one years of age and is eligible to drive on public roadways.
- 1116 d. The pharmacist-in-charge shall conduct an annual inventory of all marijuana products in the  
 1117 possession of the pharmacy on any date which is within one year of the previous annual  
 1118 inventory, and further, shall conduct additional inventory counts on the following occasions:
- 1119 i. arrival of a new pharmacist-in-charge;
- 1120 ii. discovery of any significant loss, disappearance, or theft of marijuana product;

- 1121                   iii. departure of a pharmacist-in-charge; and  
 1122                   iv. permanent closure of the pharmacy.  
 1123                   e. Inventory records shall be retained on the pharmacy's premises for at least two years after the  
 1124                   most recent entry.
- 1125                   5. The pharmacy shall develop and maintain sufficient records to fully reveal the business  
 1126                   transactions related to marijuana products, including their procurement and sale, for the current tax  
 1127                   year as well as the two immediately preceding tax years, all of which shall be made available to  
 1128                   the board upon request.
- 1129                   6. The board may require any pharmacy or its owners to furnish such information as the board  
 1130                   considers necessary for the proper administration of R.S. 40:1046, and may require a financial  
 1131                   audit of the business of any marijuana pharmacy, and the expense thereof shall be paid by the  
 1132                   marijuana pharmacy.
- 1133                   E. Professional Practice Standards
- 1134                   1. Prior to dispensing any marijuana product to a patient, the pharmacist shall review that patient's  
 1135                   records in the state prescription monitoring program. The pharmacist shall resolve any concerns  
 1136                   identified in that review by consultation with the ~~authorized prescriber~~ **recommending physician**.
- 1137                   2. Labeling of marijuana product dispensed
- 1138                   a. The pharmacist shall not dispense any marijuana product that does not bear the producer label  
 1139                   required by the LDAF, and further, the pharmacy dispensing label shall not overlay or obscure  
 1140                   the producer label in any way.
- 1141                   b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:
- 1142                   i. Name and address of the pharmacy dispensing the product;  
 1143                   ii. Telephone number or other contact information of the pharmacy dispensing the product;  
 1144                   iii. Name of the authorized prescriber;  
 1145                   v. Name of the patient;  
 1146                   vi. Date the product was dispensed;  
 1147                   vii. Prescription number, which shall be a unique identifier for that specific transaction;  
 1148                   viii. Name of the marijuana product, including any concentration, strength, or other identifiers  
 1149                   of the marijuana product;  
 1150                   ix. Quantity of marijuana dispensed;  
 1151                   x. Directions for use of the product as included in the prescriber's request;  
 1152                   xi. Expiration date of the product, which shall not exceed the expiration date determined by  
 1153                   the producer of the product; and  
 1154                   xii. Other information selected by the dispensing pharmacist to inform the patient as to the  
 1155                   best use of the product for the intended purpose.
- 1156                   **3. The pharmacist shall perform prospective drug utilization review and shall counsel every patient**  
 1157                   **receiving marijuana product every time it is dispensed, in compliance with the rules on drug**  
 1158                   **utilization review and patient counseling in Chapter 5 of the board's rules.**
- 1159                   4. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with  
 1160                   the reporting requirements as found in Chapter 29 of the board's rules.
- 1161                   5. Disposal of marijuana product.
- 1162                   a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is  
 1163                   determined to be misbranded, adulterated, expired, deteriorated, undesired, excess,  
 1164                   unauthorized, or unfit for dispensing; however, once accepted by the pharmacy, no marijuana  
 1165                   product may be returned to any producer.
- 1166                   b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the  
 1167                   product shall be removed from active dispensing stock and quarantined in the pharmacy  
 1168                   pending its disposal, **and further, the removal from active dispensing stock shall be recorded in**  
 1169                   **the LMMTS.**
- 1170                   c. The pharmacist-in-charge shall **select a method of disposal that renders the marijuana non-**  
 1171                   **recoverable, render the waste unusable by grinding and incorporating the waste with other**  
 1172                   **ground materials so the resulting mixture is at least 50% non-marijuana waste by volume.**  
 1173                   **Material used to grind with the waste may include:**  
 1174                   **i. Yard waste;**

- 1175 ii. Paper waste;
- 1176 iii. Cardboard waste;
- 1177 iv. Plastic waste; or
- 1178 v. Soil or sand
- 1179 d. The actual disposal of the marijuana product shall be conducted in the physical presence of the
- 1180 board's authorized representative, or in the alternative, a representative from a local, state, or
- 1181 federal law enforcement officer. Waste shall be rendered unusable prior to leaving the
- 1182 pharmacy. Waste rendered unusable shall be disposed of by delivery to an approved solid
- 1183 waste facility for final disposition. Examples of acceptable permitted solid waste facilities
- 1184 include:
- 1185 i. Compost; anaerobic digester;
- 1186 ii. Landfill, incinerator; or
- 1187 iii. Waste-to-energy facility.
- 1188 e. The pharmacist-in-charge shall prepare a record of each disposal, and that record shall contain,
- 1189 at a minimum, the following information:
- 1190 i. Brand name and other specific identifiers of the marijuana product disposed;
- 1191 ii. Quantity of product disposed;
- 1192 iii. Manner of disposal; and
- 1193 iv. Signatures of the persons disposing the product as well as any other persons present
- 1194 during the disposal process.
- 1195

1196 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

1197 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR

1198  
1199 **§2459. Advertising**

- 1200 A. The marijuana pharmacy shall not advertise through any public medium, including but not limited to
- 1201 newspapers, billboards, television, radio, internet, social media, or any other means designed to market its
- 1202 products to the general public.
- 1203 B. The marijuana pharmacy may market its products through direct mail, brochures, or other means to
- 1204 Louisiana-licensed physicians, but only when such advertising is directed solely to the practitioner and is
- 1205 not available to the general public.
- 1206 C. Any advertisement permitted in Paragraph B of this Section shall not:
- 1207 1. Make any deceptive, false, or misleading assertions or statements regarding any product; or
- 1208 2. Assert that its products are safe because they are regulated by LDAH or the board. The pharmacy may
- 1209 advertise that its products have been tested by an approved laboratory, but shall not assert that its
- 1210 products are safe because they are tested by an approved laboratory.
- 1211 D. The marijuana pharmacy may attach a maximum of two separate signs to the exterior of the building which
- 1212 identify the business by its business or trade name, provided that neither sign exceeds the size limit of
- 1213 sixteen hundred inches.
- 1214

1215 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

1216 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR

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