

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2457. Standards of Practice

A. – C.2.a. ...

D. Recordkeeping Requirements

1. When the pharmacy receives a request for marijuana from a recommending physician in written form, the pharmacist shall cause the form to be scanned and filed using an electronic imaging system in compliance with Section 1123 of this Part.
2. Request forms (and electronic images thereof) shall be retained on the pharmacy's premises for at least two years after the date of dispensing, and further, shall be readily retrievable upon request by the board.
3. Inventory of Marijuana Product
 - a. The pharmacist-in-charge shall develop and maintain a perpetual inventory of all marijuana products acquired, held, dispensed, and disposed by the pharmacy.
 - b. The pharmacy shall access the LMMTS and enter all acquisition and product transfer transactions in that system.
 - c. In the event the pharmacist-in-charge designates an agent to retrieve new marijuana product inventory from the production facility, the pharmacist shall verify the agent is at least 21 years of age and is eligible to drive on public roadways.
 - d. The pharmacist-in-charge shall conduct an annual inventory of all marijuana products in the possession of the pharmacy on any date which is within one year of the previous annual inventory, and further, shall conduct additional inventory counts on the following occasions:
 - i. arrival of a new pharmacist-in-charge;
 - ii. discovery of any significant loss, disappearance, or theft of marijuana product;
 - iii. departure of a pharmacist-in-charge; and
 - iv. permanent closure of the pharmacy.
 - e. Inventory records shall be retained on the pharmacy's premises for at least two years after the most recent entry.
4. The pharmacy shall develop and maintain sufficient records to fully reveal the business transactions related to marijuana products, including their procurement and sale, for the current tax year as well as the two immediately preceding tax years, all of which shall be made available to the board upon request.
5. The board may require any pharmacy or its owners to furnish such information as the board considers necessary for the proper administration of R.S. 40:1046, and may require a financial audit of the business of any marijuana pharmacy, and the expense thereof shall be paid by the marijuana pharmacy.

E. Professional Practice Standards

1. Recommendation/opinion/referral (hereinafter, "request") for Therapeutic Marijuana
 - a. The pharmacist may accept any request for a marijuana product which has been:
 - i. Issued by a physician in possession of a current and unrestricted license to practice medicine from the Louisiana State Board of Medical Examiners as well as a current and unrestricted state controlled substance license with therapeutic marijuana privileges from the board; and
 - ii. Received directly from the physician and not from the patient or any third party other than the entity transmitting the request, either by electronic means conforming with the provisions of 21 CFR 1311 or its successor, or in the alternative, by facsimile bearing a handwritten or digital signature of the physician.
 - b. The request shall disclose the following information, at a minimum:
 - i. Name, address, telephone number, and national provider identifier (NPI) number of the physician issuing the request;
 - ii. Name, address and date of birth (or age) of the patient for whom the request was issued;
 - iii. Identification of the debilitating medical condition for which the treatment has been requested;
 - iv. Treatment requested;
 - v. Date request was issued;

- vi. Self-certification the physician holds a current and unrestricted license to practice medicine issued by the Louisiana State Board of Medical Examiners; and
 - vii. Signature of the physician issuing the recommendation, excluding any proxy or agent.
 - c. Requests for marijuana products shall expire one year after the date of issue, unless a shorter period of time is indicated by the physician. A pharmacist may dispense marijuana product on multiple occasions as indicated by the physician and needed by the patient until the request expires; however the pharmacist shall not dispense more than a 90-day supply of marijuana product at one time nor more than a one year supply of marijuana product pursuant to a single request. A pharmacist shall not dispense marijuana product pursuant to an expired request.
- 2. Prior to dispensing any marijuana product to a patient, the pharmacist shall review that patient's records in the state prescription monitoring program. The pharmacist shall resolve any concerns identified in that review by consultation with the recommending physician.
- 3. Labeling of Marijuana Product Dispensed
 - a. The pharmacist shall not dispense any marijuana product that does not bear the producer label required by the LDAF, and further, the pharmacy dispensing label shall not overlay or obscure the producer label in any way.
 - b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:
 - i. Name and address of the pharmacy dispensing the product;
 - ii. Telephone number or other contact information of the pharmacy dispensing the product;
 - iii. Name of the recommending physician;
 - iv. Name of the patient;
 - v. Date the product was dispensed;
 - vi. Prescription number, which shall be a unique identifier for that specific transaction;
 - vii. Name of the marijuana product, including any concentration, strength, or other identifiers of the marijuana product;
 - viii. Quantity of marijuana dispensed;
 - ix. Directions for use of the product;
 - x. Expiration date of the product, which shall not exceed the expiration date determined by the producer of the product; and
 - xi. Other information selected by the dispensing pharmacist to inform the patient as to the best use of the product for the intended purpose.
- 4. The pharmacist shall comply with the rules on drug utilization review and patient counseling in Chapter 5 of this Part.
- 5. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with the reporting requirements as found in Chapter 29 of this Part.
- 6. Disposal of Marijuana Product.
 - a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is determined to be misbranded, adulterated, expired, deteriorated, undesired, excess, unauthorized, or unfit for dispensing.
 - b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the product shall be removed from active dispensing stock and quarantined in the pharmacy pending its disposal.
 - c. – e.iv. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017), amended LR 45:1473 (October 2019), LR