



**Louisiana Board of Pharmacy**  
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## **BULLETIN No. 20-02**

To: All pharmacies, pharmacists, interns, technicians, and technician candidates

From: Malcolm J Broussard, Executive Director

Date: July 10, 2020

Re: New Laws from 2020 Regular Session of Louisiana Legislature

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During their 2020 Regular Session, the Louisiana Legislature passed several new laws which will impact the practice of pharmacy or board operations. Most of the new laws will take effect on August 1, but there are some exceptions. A summary is presented here:

**Act 10** [effective 08-01-2020] updated the state list of controlled substances to add four opiates and two depressants to Schedule I; a new fentanyl precursor to Schedule II; Brexanolone, Lemborexant, and Solriamfetol to Schedule IV; and Cenobamate and Lasmiditan to Schedule V.

**Act 147** [effective 08-01-2020] updated the state controlled substance law, more specifically the section providing immunity from prosecution for possession of marijuana for legitimate participants in the state medical marijuana program, to add two new groups: (1) any facility licensed by the Dept. of Health which has patients in its care using medical cannabis products in compliance with the state medical marijuana program, and (2) any physician who provides information on marijuana for therapeutic use within a bona fide doctor-patient relationship or who issues a recommendation for medical cannabis products to a patient in compliance with the requirements of the state medical marijuana program.

**Act 200** [effective 01-01-2021] updated the occupational licensing law for military families to extend those provisions for military applicants and their spouses to also include their dependents. This law will require the Board to revise its current rules for licensing of pharmacists and pharmacy technicians in active duty military to extend those provisions to also include their dependents.

**Act 202** [effective 07-01-2020] updated the pharmacy practice act, more specifically the section of fees, for two purposes: (1) to clarify that all existing fees for renewable credentials are annual or per year, and (2) add new fees for pharmacy benefit manager permits, including the initial fee, the renewal fee, and delinquent renewal fee. None of the other existing fees were changed.

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**NOTICE:** In compliance with Act 655 of the 2018 Louisiana Legislature, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about the Board's actions or procedures. You may submit such complaints to one or more of the following: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr., Baton Rouge, La 70809; 225.925.6496; [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov) (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; [h&ga@legis.la.gov](mailto:h&ga@legis.la.gov) (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; [s&g@legis.la.gov](mailto:s&g@legis.la.gov)

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**Act 286** [effective 08-01-2020] made five changes to the therapeutic marijuana law. In particular:

- The list of medical conditions in the definition of “debilitating medical condition” was expanded to add (1) seven neurodegenerative diseases including Alzheimer’s disease and Parkinson’s disease; (2) traumatic brain injury; (3) a concussion diagnosed by a physician; (4) chronic pain associated with fibromyalgia; (5) chronic pain associated with sickle cell disease; (6) any condition for which a patient is receiving hospice care or palliative care; and (7) any condition not otherwise specified in the definition that a physician considers debilitating to an individual patient and is qualified through his medical education and training to treat.
- The existing restriction on physicians eligible to issue recommendations for medical cannabis was changed to allow any physician licensed by and in good standing with the La. State Board of Medical Examiners to issue a recommendation for medical cannabis to any patient suffering from a debilitating medical condition with whom he shares a bona fide doctor-patient relationship.
- The definition of the term “recommendation” was changed from ‘an order’ to ‘an opinion.’
- The authority for the La. State Board of Medical Examiners to promulgate rules relative to the medical marijuana program was removed.
- Any person who dispenses medical cannabis products shall comply with the reporting requirements of the prescription monitoring program.

These changes will require the Board to amend its rules for marijuana pharmacies, and given the effective date of the new law, the Board will consider the issuance of the rule changes by means of an emergency rule.

**Act 344** [effective 08-01-2020] updated the industrial hemp law as well as the related provisions for industrial hemp-derived CBD products. With respect to the hemp law, some of the significant changes include:

- The definition of “industrial hemp” was revised to remove the specific threshold of 0.3% THC in favor of the phrase “federally defined THC level for hemp”, which in turn was defined as the greater of (a) 0.3% THC or (b) the THC concentration for hemp defined in federal law [7 U.S.C. 1639o].
- The Dept. of Agriculture & Forestry shall conduct criminal background checks on applicants for all four license types (grower, seed producer, contract carrier, processor).
- ULM College of Pharmacy is authorized to handle and process industrial hemp for medicinal research and development.
- The Dept. of Agriculture & Forestry is authorized to issue stop orders to prohibit all activity with industrial hemp to ensure compliance with all related laws and rules.

With respect to the industrial hemp-derived CBD products law, some of the significant changes include:

- The criminal penalties were changed for product producers and product retailers.
- The retail sale of CBD products to persons under the age of 18 is prohibited.
- The permit for retail sale may be suspended for nonpayment of taxes to the Dept. of Revenue.

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