



**Louisiana Board of Pharmacy**  
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## **BULLETIN No. 22-02**

To: All pharmacies, pharmacists, interns, technicians, and technician candidates  
From: Joe Fontenot, Executive Director  
Date: July 29, 2022  
Re: New Laws from 2022 Regular Session of Louisiana Legislature

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During their 2022 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 brief summary, with links, is presented here:

**[Act 46](#)** *[effective 08-01-2022]* updated the state list of controlled substances to add several substances to Schedule I; added as an exception to Schedule II - Samidorphan (an opioid antagonist); and added Serdexmethylphenidate to Schedule IV.

**[Act 154](#)** *[effective 08-01-2022]* exempts certain facilities that provide home dialysis drugs or devices from the provisions of the Louisiana Pharmacy Practice Act.

**[Act 292](#)** *[effective 08-01-2022]* amended the Medicaid law to create the Council on Medicaid Pharmacy Reimbursement within the Louisiana Department of Health (LDH). The Act identifies the composition of the 10-member council, which includes two pharmacists to be appointed by the Board of Pharmacy. The Act identifies the duties of the council, including the develop of annual recommendations to the LDH Secretary relative to implementation and administration of a Medicaid MTM program.

**[Act 298](#)** *[effective 08-01-2022]* amended the pharmacy law to repeal the single sentence requiring pharmacies to publicly display their pharmacy permits.

**[Act 409](#)** *[effective 06-15-2022]* names the Louisiana Board of Pharmacy building located in Baton Rouge the "Carl W. Aron Building."

**[Act 438](#)** *[effective 08-01-2022]* amended the medical marijuana law to authorize the dispensing of medical marijuana to nonresident patients with valid marijuana cards issued by other jurisdictions.

**[Act 439](#)** *[effective 08-01-2022]* amended the controlled substance law, more specifically the provisions for immunity from prosecution for possession of marijuana, to add nonresident patients with valid marijuana cards issued by other jurisdictions.

**Act 444** [effective 08-01-2022] amended the medical marijuana and other related laws to expand the authority to issue recommendations for medical marijuana to “authorized clinicians”, then defined that term to include physicians, advanced practice registered nurses with prescriptive authority, and medical psychologists.

**Act 461** [effective 08-01-2022] created new law to address workplace violence in healthcare facilities which are identified in the Act and includes pharmacies licensed by the Board. The Act tasks the Louisiana Department of Health to develop workplace policies and employee training for use by healthcare facilities. The Act requires facilities to develop violence prevention plans, train its employees on such plans, post signage warning visitors about risk of felony convictions for workplace violence, requires reporting of certain incidents within 24 hours, and prevents retaliation against employees for reporting incidents. The Act requires the Board to promulgate rules to enforce signage and policies in pharmacies.

**Act 491** [effective 08-01-2022] amended the medical marijuana law in several ways:

- The oversight of marijuana production facilities was transferred from the Dept. of Agriculture & Forestry to the Dept. of Health.
- The oversight of testing, packaging and labeling of cannabis product was transferred from the Dept. of Agriculture & Forestry & the Board of Pharmacy to the Dept. of Health.
- Expanded the laboratory testing capacity from the single lab at the Dept. of Agriculture & Forestry to an unlimited number of testing facilities which meet the standards identified in the Act.
- Established a laboratory licensing system to be administered by the Dept. of Health.
- To prevent interruptions in the state program, the Act requires the Dept. of Agriculture & Forestry to continue their oversight until the Dept. of Health has established the necessary rules.
- The Board is required to issue the 10th marijuana pharmacy permit as soon as possible.
- The Act provides for the issuance of satellite marijuana pharmacy permits to the owners of the 10 primary marijuana pharmacy permits whenever the active qualified patient count in the region reaches 3,500 patients and then a second satellite marijuana pharmacy when the primary and first satellite pharmacies are each serving 3,500 active qualified patients. The Act capped the total number of marijuana pharmacy permits in the state to 30 (primary + satellites).

**Act 498** [effective 06-16-2022] amended the consumable hemp product law to impose a limit on the amount of THC in consumable hemp products – 8 mg per serving, and further, prohibited the sale of ‘adult-use consumable hemp product’ (> 0.5 mg THC per pkg) to persons under the age of 21. Allows sale of non-compliant products previously approved by LDH until 01-01-2023.

**Act 499** [effective 08-01-2022] amended the controlled substance law, more specifically the drug paraphernalia provisions, to exclude any equipment or devices used or intended for use solely for the inhalation of state-approved medical marijuana.

**Act 536** [effective 08-01-2022] amended the Pharmacy Benefit Manager (PBM) Licensing Law to change the licensure requirement for PBMs operating in the state from “may” to “shall”. The Act also inserted an option for a PBM facing suspension or termination of their permit to move their hearing to the division of administrative law.

[Act 548](#) [effective 08-01-2022] amended the criminal law in Title 14, public health law in Title 40, and unfair trade practice law in Title 51, all relative to the use of abortion-inducing drugs. Within Title 40, provisions relative to the dispensing of such drugs were inserted into the controlled substance law. Those provisions require prescriptions for such drugs when used for purposes other than abortion to bear a diagnosis or diagnosis code; pharmacists dispensing such coded prescriptions are not subject to the criminal penalties provided for dispensing such drugs to facilitate abortion.

[Act 666](#) [effective 08-01-2022] amended the pharmacy law to remove the current limitation on reciprocity with other states 'under comparable circumstances or conditions.'

[Act 723](#) [effective 06-18-2022] amended the PBM Licensing Law to add 5 members (governor, chairs of legislative insurance committees, and chairs of legislative health and welfare committees) to the PBM Monitoring Advisory Council. A new section was added to permit the PBM Monitoring Advisory Council to meet through electronic means. The Act also created a new section (42:17.2) in the Open Meetings Law to provide a specific exception to allow the PBM Monitoring Advisory Council to meet electronically, subject to compliance with a number of requirements identified in that new section of law.