



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



April 8, 2022

Senator P. Page Cortez
President, Louisiana Senate
Via Email: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Report No. 1 of 3 for Regulatory Project 2022-3 ~ Marijuana Pharmacies

Dear Senator Cortez:

The Board seeks to amend its rules for marijuana pharmacies to reduce some of the regulatory restrictions for licensed pharmacy personnel in those pharmacies as well as to require those pharmacies to make marijuana product testing results available whenever patients request that information.

The Occupational Licensing Review Commission approved the initiation of this project during their March 10, 2022 meeting. In connection with this regulatory project, the following items are appended:

- Notice of Intent Page 2
- Fiscal & Economic Impact Statement Page 8

As indicated in the solicitation, we will convene a public hearing on May 27, 2022 to receive public comments and testimony on these proposed rule changes. We will summarize those comments and our responses thereto in our next report to you. In the event you have any questions or need additional information about this project, please contact me directly at mbroussard@pharmacy.la.gov or 225.925.6481.

For the Board:

Malcolm J. Broussard
Executive Director

cc: Chair, Senate Health & Welfare Committee
Via Email: APA.S-H&W@legis.la.gov
Speaker, House of Representatives
Via Email: APA.HouseSpeaker@legis.la.gov
Chair, House Health & Welfare Committee
Via Email: APA.H-HW@legis.la.gov
Director, Community Competitiveness & Small Business Services, La. Economic Development
Via Email: Witty@la.gov
Editor, *Louisiana Register*
Via Email: Reg.Submission@la.gov
Reference File

NOTICE OF INTENT

Department of Health Board of Pharmacy

Marijuana Pharmacies (LAC 46:LIII.2447, 2449, 2451 and 2457)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 *et seq.*) and the Pharmacy Practice Act (R.S. 37:1161 *et seq.*), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §§2447, 2449, 2451 and 2457 of its rules relative to marijuana pharmacies to reduce regulatory restrictions on pharmacy personnel working in marijuana pharmacies and to provide patient access to product testing results prior to the dispensing of the marijuana product. The proposed changes in §2447 removes the requirement for pharmacy personnel working in a marijuana pharmacy to obtain an additional credential issued by the board. The proposed changes in §2449 eliminates the separate therapeutic marijuana designation credential currently issued by the board and repeals the associated credentialing procedures. The proposed changes in §2451 remove the restriction against pharmacy technician candidates working in a marijuana pharmacy and clarify the requirements for the dispensing process. The proposed changes in §2457 remove the restrictions on licensed pharmacy personnel working in a marijuana pharmacy, and further, require the pharmacist to comply with a patient request to review product testing results for the marijuana product prior to dispensing that product.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2447. Licensing Procedures

A. – C.2. ...

D. Maintenance of Marijuana Pharmacy Permit

1. – 2. ...

~~3. Prior to any person affiliating with a marijuana pharmacy, including any change in the ownership of the permit, such person shall comply with the credentialing requirements of the board. No person shall commence their affiliation with a marijuana pharmacy until approved by the board.~~

~~4~~3. Prior to making any change in the marijuana pharmacy's name or trade name, the owner of the permit shall notify the board and request approval of the contemplated name or trade name. The board shall reasonably accommodate such requests, unless there is cause not to do so (e.g., duplicative or misleading names). The marijuana pharmacy shall not change its name or trade name until approved by the board.

~~5~~4. Prior to any modification, remodeling, expansion, reduction, other physical. Non-cosmetic alteration of the marijuana pharmacy, the owner of the permit shall notify the board and request approval of the contemplated change(s). The board shall reasonably accommodate such requests, unless there is cause not to do so (e.g., inconsistent with operating requirements). The marijuana pharmacy shall not make such changes until approved by the board.

~~6~~5. Prior to any change in the location of a marijuana pharmacy, the owner of the permit shall submit an application form for that purpose supplied by the board and pay the appropriate fee authorized in R.S. 37:1184. The board may require an inspection of the new location prior to the issuance of the permit for the new location. No marijuana pharmacy shall commence operation in a new location until approved by the board.

~~7~~6. The owner of the pharmacy permit shall notify the board no later than ~~40~~ 30 days following a change in the pharmacist-in-charge for the marijuana pharmacy permit.

87. The owner of the pharmacy permit shall notify the board no later than ~~40~~ 30 days following a change in the owner's managing officer for the marijuana pharmacy permit.

98. In the event a marijuana pharmacy contemplates permanent closure, the pharmacist-in-charge shall notify the board in accordance with the rules governing the permanent closure of a pharmacy as described in Chapter 11 of this Part.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1544 (August 2017), amended LR 46:577 (April 2020), LR

§2449. Marijuana Pharmacy Personnel; ~~Therapeutic Marijuana Designation~~

A. ...

~~B. The owner's managing officer and all persons holding a professional credential from the board shall first obtain a Therapeutic Marijuana (TM) designation from the board before affiliating with a marijuana pharmacy.~~

~~C. The board may issue a TM designation to a person who has filed the application for that designation supplied by the board and has completed a criminal background check for the board within the two year period prior to the date of the application for the TM designation, and that person:~~

~~1. Has been listed as an owner's managing officer on an application for a marijuana pharmacy permit, or on a request to become a replacement owner's managing officer for an existing marijuana pharmacy permit; or~~

~~2. Holds one of the following professional credentials issued by the board (pharmacist, pharmacy intern, or certified pharmacy technician) and further, that professional credential was issued by the board at least two years prior to the date of the application for the TM designation, is in active status and has not been disciplined by the board within the two year period prior to the date of the application for the TM designation.~~

~~D. The board may restrict, suspend, or revoke a TM designation for cause, but only pursuant to the Administrative Procedure Act.~~

~~E. No pharmacist, pharmacy intern, or certified pharmacy technician may practice within a marijuana pharmacy in the absence of an active professional credential, an active TM designation, as well as access privileges to the state prescription monitoring program. A pharmacist may elect to not allow a pharmacy intern or pharmacy technician to function as his delegate with respect to access privileges to the state prescription monitoring program, but the pharmacist shall have such access. A pharmacy technician candidate shall not practice in a marijuana pharmacy.~~

~~F. A pharmacist shall first acquire a Pharmacist in Charge (PIC) privilege, as described in §1105 of this Part, and the TM designation, as described in this Section, before accepting an appointment as the PIC of a marijuana pharmacy.~~

~~1. The PIC of the marijuana pharmacy shall comply with the requirements of §1105 of this Part.~~

~~2. The PIC shall be responsible for notice to the board of all pharmacists, pharmacy interns, and pharmacy technicians practicing at the marijuana pharmacy. The PIC shall cause such notice to be received in the board office in written form (mail, fax, or electronic mail) no later than 10 days after the arrival or departure of the pharmacist, pharmacy intern, or pharmacy technician.~~

~~G. The PIC shall insure and document the initial and continuing competency of the entire professional staff to provide the pharmacy care services rendered at the marijuana pharmacy. At a minimum, the PIC shall provide access to education and training in the following domains:~~

~~1. – 3. ...~~

Further, the PIC shall document such education and training, provide such records to the board when requested, and retain such records for at least two years after the employee disassociates with the pharmacy.

~~H. The PIC shall comply with the professional supervision rules and ratios found in Chapter 7 (pharmacy interns) and Chapter 9 (pharmacy technicians) of this Part.~~

~~4D.~~ In addition to the scope of practice limitations found in Chapter 9 of this Part, pharmacy technicians practicing in a marijuana pharmacy shall not:

1. – 5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1546 (August 2017), amended LR

§2451. Operation of Marijuana Pharmacy

A. E. ...

F. Only a pharmacist may dispense marijuana, however, other licensed pharmacy personnel may assist the pharmacist in the dispensing process. ~~and only a pharmacist, pharmacy intern, or pharmacy technician may sell marijuana to patients and caregivers.~~ ~~A pharmacy intern or pharmacy technician may assist, under the direct supervision of a pharmacist, in the dispensing of marijuana.~~ The sale of dispensed marijuana products may be accomplished by any pharmacy employee.

G. – U. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1547 (August 2017), amended LR 46:1227 (September 2020), LR 47:590 (May 2021), LR

* * *

§2457. Standards of Practice

A. – A.6. ...

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 as well as access privileges to the state prescription monitoring program.

3. A pharmacy intern, pharmacy technician or pharmacy technician candidate may assist the pharmacist in the prescription department, but only when in possession of valid credentials issued by the board ~~a Louisiana pharmacy intern registration in active status as well as a Therapeutic Marijuana designation.~~ The supervising pharmacist may establish a delegate credential ~~for the pharmacy intern~~ for any licensed pharmacy personnel affiliated with that pharmacy.

~~4. A pharmacy technician may assist the pharmacist in the prescription department, but only when in possession of a Louisiana pharmacy technician certificate in active status as well as a Therapeutic Marijuana designation. The supervising pharmacist may establish a delegate credential for the pharmacy technician in the state prescription monitoring program.~~

~~5. No pharmacy technician candidate may practice in a marijuana pharmacy.~~

~~6~~4. Additional clerical personnel may also be present at the pharmacy.

C. – D. ...

E. Professional Practice Standards

1. ...

2. Upon request by the patient or caregiver and prior to dispensing any marijuana product to a patient, the pharmacist shall provide product testing results available to the pharmacist for the product contemplated for dispensing.

~~2~~3. Dispensing Marijuana Products

a. – b.ii. ...

~~3~~4. Labeling of Marijuana Product Dispensed

a. – b.x.i. ...

~~4~~5. The pharmacy shall comply with the rules on drug utilization review and patient counseling in Chapter 5 of this Part.

~~56~~. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with the reporting requirements as found in Chapter 29 of this Part.

~~67~~. Disposal of Marijuana Product

a. – 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 47:246 (February 2021), LR 47:1111 (August 2021), LR 47:xxxx, (xx, 2022 LR

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.
2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.
3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.
4. The Effect on Family Earnings and Family Budget. The proposed rule changes will remove restrictions on pharmacy technician candidates on working in marijuana pharmacies, which could improve employment opportunities with a potentially beneficial effect on family earnings or family budget.
5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.
6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule changes.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will remove hiring restrictions, which could improve employment opportunities with a potentially beneficial effect on household income, assets, or financial security.
2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.
3. The Effect on Employment and Workforce Development. The proposed rule changes may improve employment opportunities in marijuana pharmacist..
4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.
5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on compliance or reporting requirements for small businesses.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small businesses.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on compliance or reporting requirements for small businesses.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes do not include design or operational standards.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot, Executive Director - Designate, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rule changes is scheduled for 9:00 a.m. on Friday, May 27, 2022 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments or testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard

Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Marijuana Pharmacies

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$750 in FY 2022 and \$750 in FY 2023. By repealing the necessity of a separate credential, the Board will no longer incur the \$500 annual maintenance fee for that credential in its licensure information system. There will be no additional expenditures or cost savings to LBP or other state or local governmental units.

The proposed rule changes reduce regulatory barriers for licensed pharmacy personnel working in marijuana pharmacies and enhances the information provided to patients about medical cannabis products dispensed to them.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections of state or local governmental units. The credential this rule would repeal is issued virtually at no charge.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will reduce regulatory barriers for licensed pharmacy personnel working in marijuana pharmacies by repealing the necessity for a separate credential to work in such pharmacies, and by repealing the restriction which prohibits pharmacy technician candidates from working in marijuana pharmacies. In addition, the proposed rule changes will require cannabis product testing results to be made available to patients when requested prior to the dispensing of those products. While some pharmacies may choose to keep printed copies of product testing results for patients, these test results will also be available through QR codes by marijuana pharmacy suppliers at no cost to pharmacies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The repeal of regulatory barriers for licensed pharmacy personnel working or seeking to work in marijuana pharmacies will improve employment opportunities for those personnel. The proposed rule changes will not affect competition at marijuana pharmacies.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

EJB

Person Preparing Statement: Malcolm J. Broussard
Executive Director
Dept.: Dept. of Health
Office: Board of Pharmacy
Telephone: 225.925.6481
Title: Marijuana Pharmacies
Return Address: 3388 Brentwood Drive
Baton Rouge, LA 70809
Effective Date of Rule: Upon promulgation
July 2022 (est.)

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$750 in FY 2022 and \$750 in FY 2023. By repealing the necessity of a separate credential, the Board will no longer incur the \$500 annual maintenance fee for that credential in its licensure information system. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed rule changes reduce regulatory barriers for licensed pharmacy personnel working in marijuana pharmacies and enhances information provided to patients about medical cannabis products dispensed to them.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections of state or local governmental units. The credential this rule would repeal is issued virtually at no charge.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule changes will reduce regulatory barriers for licensed pharmacy personnel working in marijuana pharmacies by repealing the necessity for a separate credential to work in such pharmacies, and by repealing the restriction which prohibits pharmacy technician candidates from working in marijuana pharmacies. In addition, the proposed rule change will require cannabis product testing results to be made available to patients when requested prior to the dispensing of those products. While some pharmacies may choose to keep printed copies of product testing results for patients, these test results will also be available through QR codes by marijuana pharmacy suppliers at no cost to pharmacies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The repeal of regulatory barriers for licensed pharmacy personnel working or seeking to work in marijuana pharmacies will improve employment opportunities for those personnel. The proposed rule changes will not affect competition at marijuana pharmacies.

Malcolm Broussard
Executive Director, Louisiana
Board of Pharmacy
2022.04.07 15:39:34 -05'00'

Signature of Agency Head or Designee

Malcolm J. Broussard, Executive Director
Typed Name and Title of Agency Head

April 7, 2022
Date of Signature

Evan Brassel, Interim Deputy
Legislative Fiscal Officer or Designee

4/7/22
Date of Signature

Fiscal Officer

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule changes seek to reduce regulatory barriers for licensed pharmacy personnel working or seeking to work in marijuana pharmacies. The changes include the repeal of the necessity to obtain an additional credential – a Therapeutic Marijuana (TM) designation – to practice within a marijuana pharmacy as well as the associated credentialing procedures. In addition, the current restriction which prohibits pharmacy technician candidates from working in marijuana pharmacies is repealed. We are also taking advantage of this revision opportunity to respond to a consumer request for marijuana pharmacies to provide cannabis product testing results to patients when requested prior to the dispensing of the cannabis product to the patient.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The rules for marijuana pharmacies contain restrictions on licensed pharmacy personnel working in marijuana pharmacies in the form of an additional credential. Although there is no fee for the Therapeutic Marijuana (TM) designation, it does require the applicant to have been licensed for at least two years and also requires the applicant to submit to a criminal background check unless they have already completed that requirement in the two-year period prior to the application for the TM designation. In addition, pharmacy technician candidates are not permitted to practice in marijuana pharmacies. These restrictions were placed in the original rule in an abundance of caution for a newly emerging practice setting. Like other pharmacies, marijuana pharmacies are currently facing challenges in their efforts to recruit and retain licensed pharmacy personnel in their pharmacies. The Board has determined it appropriate to reduce regulatory barriers for licensed pharmacy personnel practicing or seeking to practice in marijuana pharmacies. A copy of the notice of intent is appended.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

LBP has allocated \$750 for printing the Notice of Intent in FY 2022 and \$750 for printing the Rule in FY 2023. LBP operates on self-generated funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) _____ Yes. If yes, attach documentation.
- (b) No NO. If no, provide justification as to why this rule change should be published at this time

LBP operates on self-generated funds, and they have determined it appropriate to promulgate the proposed rule changes.

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 22	FY 23	FY 24
Personal Services			
Operating Expenses	\$ 750	\$ 250	(\$ 500)
Professional Services			
Other Charges			
Equipment			
Major Repairs & Constr.			
TOTAL	\$ 750	\$ 250	(\$ 500)

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

The proposed change will require LBP to print the Notice of Intent in the state register at a cost of \$750 in FY 2022 as well as the Rule at a cost of \$750 in FY 2023. By repealing the necessity for the separate credential, the Board will no longer incur the \$500 annual maintenance fee for that credential in its licensure information system.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 22	FY 23	FY 24
State General Fund			
Agency Self-Generated	\$ 750	\$ 250	(\$ 500)
Dedicated			
Federal Funds			
Other (Specify)			
TOTAL	\$ 750	\$ 250	(\$ 500)

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

LBP has sufficient self-generated funds available to implement the proposed rule changes.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.
2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

SOURCE	FY 22	FY 23	FY 24
State General Fund			
Agency Self-Generated			
Dedicated			
Federal Funds			
Other (Specify)			
TOTAL	None	None	None

The proposed rule changes do not impact local governmental units.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 22	FY 23	FY 24
State General Fund			
Agency Self-Generated			
Dedicated Funds*			
Federal Funds			
Local Funds			
TOTAL	None	None	None

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule changes will not affect revenue collections of state or local governmental units

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule changes will primarily affect licensed pharmacy personnel seeking to practice in marijuana pharmacies by reducing regulatory barriers to such employment opportunities. Although there is no application fee for the separate TM designation, the application does require the applicant to submit to a criminal background check, the cost to the applicant of which is approximately \$45. The rule change to require marijuana pharmacies to provide cannabis product testing results to patients when requested will not require any additional cost for the pharmacies. The product testing results will be available via a QR code on the label of the product. Scanning the QR code will provide access to the product testing results.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule changes will not impact receipts or revenue of any marijuana pharmacy or other business entity.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The reduction of regulatory barriers to employment of licensed pharmacy personnel in marijuana pharmacies will improve employment opportunities for licensed pharmacy personnel. The proposed rule changes will not impact competition in those pharmacies.