

Louisiana Administrative Code**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. – 9. ...

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.~~

CODING: Words in ~~struck through~~ type are deletions from existing rules; words underlined are additions.

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. – I.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

§2453. Security Requirements for Marijuana Pharmacies

A. A marijuana pharmacy shall:

CODING: Words in ~~struck through~~ type are deletions from existing rules; words underscored are additions.

1. store all marijuana in an approved safe or vault, as defined in this Subchapter, and in such a manner as to prevent diversion, theft, or loss;
2. maintain all marijuana in a secure area or location accessible only to specifically authorized employees, which shall include only the minimum number of employees essential for efficient operation;
3. not permit any person less than 18 years of age to enter the prescription department, with the exception of patients being counseled by the pharmacist;
4. keep all approved safes and vaults securely locked and protected from entry, except for the actual time required to remove or replace marijuana, provided that during hours of operation the pharmacist-in-charge may authorize the placement of a limited quantity of dispensing stock outside such safes or vaults but within the secure prescription department.
5. keep all locks and security equipment in good working order;
6. not allow keys to be left in the locks and not store or place keys in a location accessible to persons other than specifically authorized employees;
7. not allow other security measures, such as combination numbers, passwords or electronic or biometric security systems, to be accessible to persons other than specifically authorized employees;
8. keep the pharmacy securely locked and protected from entry by unauthorized employees;
9. keep the outside perimeter of the pharmacy premises well-lit; and
10. post a sign at all entry ways into any area of the pharmacy containing marijuana, including a room with an approved safe or vault, which sign shall be a minimum of twelve inches in height and twelve inches in width which shall state: "Do Not Enter – Limited Access Area – Access Limited to Authorized Employees Only" in lettering no smaller than ½ inch in height.

B. – H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1548 (August 2017), amended 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~~

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~~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~~ in the state prescription monitoring program 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. Additional clerical personnel may also be present at the pharmacy.

C. – D. ...

E. Professional Practice Standards

1. ...

2. Prior to dispensing any marijuana product to a patient, the pharmacist shall make available to the patient or caregiver the certificate of analysis for the product contemplated for dispensing.

~~23.~~ Prior to dispensing any marijuana product to a patient, the pharmacist shall review the 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.

~~34.~~ Labeling of Marijuana Product Dispensed

a. – b.xi. ...

~~45.~~ The pharmacist 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

[END]

CODING: Words in ~~struck through~~ type are deletions from existing rules; words underscored are additions.

Highlighted text pending in Regulatory Project 2022-1 ~ Marijuana Products