

**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.~~

43. 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.

~~54.~~ Prior to any modification, remodeling, expansion, reduction, or 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.

~~65.~~ 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.

~~76.~~ 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.~~

77  
78 ~~GB.~~ The PIC shall insure and document the initial and continuing competency of the entire professional staff to  
79 provide the pharmacy care services rendered at the marijuana pharmacy. At a minimum, the PIC shall provide  
80 access to education and training in the following domains:

81 1. – 3. ...

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

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

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

88 1. – 5. ...

89  
90 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

91 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1546 (August 2017), amended LR  
92

### 93 **§2451. Operation of Marijuana Pharmacy**

94 A. – E. ...

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

100 G. – U. ...  
101

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

103 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1547 (August 2017), amended LR  
104 46:1227 (September 2020), LR 47:590 (May 2021), LR  
105

### 106 **§2457. Standards of Practice**

107 A. – A.6. ...

108 B. Minimum Staffing Requirements

- 109 1. There shall be at least one pharmacist on duty at all times the pharmacy is open for business.  
110 2. Every pharmacist practicing in the pharmacy shall possess a Louisiana pharmacist license in active status,  
111 ~~a Therapeutic Marijuana designation, and as well as~~ access privileges to the state prescription monitoring  
112 program.  
113 3. A pharmacy intern, ~~pharmacy technician or pharmacy technician candidate~~ may assist the pharmacist in  
114 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~~ 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. 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.

### 23. Dispensing Marijuana Products

a. – b.ii. ...

### 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

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