

NOTICE OF INTENT

Department of Health

Board of Pharmacy

Marijuana Pharmacy (LAC 46:LIII.Chapter 24.Subchapter E.)

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 Board of Pharmacy hereby gives notice of its intent to repeal Chapter 24, Subchapter E of its rules relative to Marijuana Pharmacy, pursuant to Act 693 of the 2024 Regular Session of the Legislature which transfers regulatory authority for therapeutic marijuana from the Board of Pharmacy to the Louisiana Department of Health.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2441. Definitions – *Repealed.*

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1538 (August 2017), amended LR 45:1473 (October 2019), LR 46:1227 (September 2020), amended LR 49:1719 (October 2023), repealed LR

§2443. Marijuana Products – *Repealed.*

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1540 (August 2017), amended LR 45:1473 (October 2019), amended LR 46:568 (April 2020), LR 46:1227 (September 2020), LR 47:590 (May 2021), LR 48:1902 (July 2022), amended LR 49:1719 (October 2023), repealed LR

§2445. Marijuana Pharmacy Permit - *Repealed.*

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1543 (August 2017), amended LR 49:1720 (October 2023), repealed LR

§2447. Licensing Procedures – *Repealed.*

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LR 43:1544 (August 2017), amended LR 46:577 (April 2020), LR 48:2102 (August 2022), amended LR 49:1720 (October 2023), repealed LR

§2451. Operation of Marijuana Pharmacy – *Repealed.*

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LR 46:1227 (September 2020), amended LR 47:590 (May 2021), LR 48:2103 (August 2022), amended LR 49:1720 (October 2023), repealed LR

§2455. Reportable Security Events - *Repealed.*

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 49:1721 (October 2023), repealed LR

§2457. Standards of Practice - *Repealed*

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 48:1903 (July 2022), LR 48:2103 (August 2022), amended LR 49:1721 (October 2023), repealed 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 repeal of rules 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 repeal of rules 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 repeal of rules will have no effect on the functioning of the family.
4. The Effect on Family Earnings and Family Budget. The proposed repeal of rules will have no effect on family earnings and family budget.
5. The Effect on the Behavior and Personal Responsibility of Children. The proposed repeal of rules 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 repeal of rules will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed repeal of rules.

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 repeal of rules will have no effect on household income, assets, or financial security.
2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed repeal of rules will have no effect on early childhood development or preschool through postsecondary education development.
3. The Effect on Employment and Workforce Development. The proposed repeal of rules will have no effect on employment and workforce development.
4. The Effect on Taxes and Tax Credits. The proposed repeal of rules 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 repeal of rules 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 repeal of rules will have no effect on reporting requirements for small business.
2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed repeal of rules will have no effect on schedules or deadlines for compliance or reporting requirements for small business.
3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed repeal of rules will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed repeal of rules will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

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 repeal of rules.

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 repeal of rules will have no effect on the staffing level requirements or qualifications required 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 repeal of rules will have no impact 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 repeal of rules 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 carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, 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 repeal of rules. The deadline for the receipt of all written comments is 12 p.m. on Wednesday, February 26, 2025.

Public Hearing

A public hearing to solicit comments and testimony on the proposed repeal of rules is scheduled for 9 a.m. on Wednesday, February 26, 2025 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.

Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Marijuana Pharmacy

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

The proposed repeal of marijuana pharmacy regulations by the Louisiana Board of Pharmacy is anticipated to incur a one-time implementation cost of approximately \$1,500 in FY 2025 for the publication of the notice and rule changes in the Louisiana Register, funded through the Board's self-generated funds. Following this transition, the Board will no longer incur recurring costs associated with inspecting 23 marijuana pharmacies, which average \$225 per pharmacy annually, totaling \$5,175. These avoided costs will represent potential savings, though any direct financial impact will be offset by the corresponding loss of revenue from licensing fees, which currently generate \$5,750 annually from the 23 pharmacies. Overall, the cost impact to state agencies is expected to be minimal as the regulatory responsibilities shift to the Department of Health.

The proposed repeal of Chapter 24, Subchapter E of the Board of Pharmacy's rules relative to Marijuana Pharmacy is pursuant to Act 693 of the 2024 Regular Session of the Legislature which transfers regulatory authority for therapeutic medical marijuana to the Louisiana Department of Health.

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

The proposed repeal of the marijuana pharmacy regulations will transfer regulatory authority from the Board of Pharmacy to the Louisiana Department of Health, effectively ending the Board's jurisdiction. Currently, the Board oversees 23 marijuana pharmacies, each paying an annual

total of \$250 in fees, generating \$5,750 in revenue. These funds are offset by inspection costs, with each inspection requiring 3 hours of a compliance officer's time at \$75 per hour (including benefits), totaling \$225 per inspection plus travel. The overall revenue impact to the state is expected to be minimal as the regulatory responsibilities shift to the Louisiana Department of Health.

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

There are no anticipated economic benefits or losses resulting from the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.