



# Louisiana Board of Pharmacy

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## Final Legislative Brief

Regular Session of the 2022 Louisiana Legislature  
Convened 2022-0314 @ 1200 – Adjourned 2022-0606 @ 1800

Last Items Reviewed						
HB 1,083	HR 282	HCR 134	HSR 1	HCSR 1		
SB 499	SR 227	SCR 73	SSR 0	SCSR 0	Acts 776	
Total = 2,300				Items on Watch List = 109		

### House of Representatives

#### Bills

**HB 135** Marino  
Authorizes dispensing of medical marijuana to certain qualifying patients who are not Louisiana residents.  
06-15-2022 Signed by Governor as [Act No. 438](#); effective 08-01-2022.

*The bill amended the medical marijuana law to authorize the dispensing of medical marijuana to nonresident patients with valid marijuana cards issued by other jurisdictions. The bill requires the Board to promulgate rules for this activity as well as approve a form to be used by marijuana pharmacies.*

#### Action Plan:

- Update Louisiana Pharmacy Law Book.
- Refer to Regulation Revision Committee to develop a regulatory proposal.
- Develop form (or approve form developed by someone else) to be used by marijuana pharmacies to record information about 'visiting qualifying patients.'

**HB 137** Marino  
Provides relative to immunity from prosecution for medical marijuana.  
06-05-2022 Sent to the Governor for executive approval.  
06-15-2022 Signed by Governor as [Act No. 439](#); effective 08-01-2022.

*The bill 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.*

#### Action Plan:

- Update Louisiana Pharmacy Law Book.

**HB 143** Butler  
Provides for development and implementation by state agencies of policies, training, and reporting relative to compliance with requirements of the Americans with Disabilities Act.  
05-25-2022 Signed by Governor as [Act No. 103](#); effective 05-25-2022.

*The amended the public welfare law to add new sections relative to state agency compliance with the American with Disabilities Act (ADA). The bill requires every executive branch agency to develop policies*

and procedures to ensure compliance with the Americans with Disabilities Act which shall be applicable to all public servants at the agency, applicants for employment as well as all persons seeking services from the agency. Annual reports are due by February 1 to cover previous calendar year data; first report is due in 2024.

**Action Plan:**

- Prepare agency policy, identify education and training resources, develop data collection tools for annual reports, and prepare website and other communications.

**HB 190**

T. Johnson

Authorizes certain nurse practitioners to recommend medical marijuana to patients.

06-15-2022

Signed by Governor as [Act No. 444](#); effective 08-01-2022.

*The bill 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.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.
- Refer to Regulation Revision Committee to develop a regulatory proposal.
- Send bulletin or other communication to marijuana pharmacies.
- Reach out to medical and nursing boards to advise of CDS license amendment procedures.

**HB 212**

D. Miller

Provides relative to the definition of drug paraphernalia.

05-25-2022

Signed by Governor as [Act No. 137](#); effective 08-01-2022.

*The bill amended the controlled substance law, more specifically the drug paraphernalia provisions, to exclude fentanyl testing strips or other testing devices or equipment designed to test for the presence of fentanyl.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**HB 221**

Magee

Provides relative to procurement limits for purchases of materials and supplies by public entities.

05-31-2022

Signed by Governor as [Act No. 204](#); effective 08-01-2022.

*The bill amended the public entity procurement law to change the current thresholds for purchases. The threshold for requiring public bids was changed to \$60,000 and higher. The threshold for requiring acquisition of at least three telephone quotes in lieu of public bid was changed to \$30,000 and higher.*

**Action Plan:**

- Update internal procurement procedures.

**HB 312**

D. Miller

Enacts reforms to address workplace violence in healthcare settings.

06-15-2022

Signed by Governor as [Act No. 461](#); effective 08-01-2022.

*The bill created new law to address workplace violence in healthcare facilities which are identified in the bill and includes pharmacies licensed by the Board. The bill tasks the Dept. of Health to develop workplace policies and employee training for use by healthcare facilities. The bill 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 bill requires the Board to*

*promulgate rules to enforce signage and policies in pharmacies.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.
- Refer to Regulation Revision Committee to develop a regulatory proposal.

**HB 314** Turner

Makes technical corrections to various provisions of law within and relating to the subject matter of the legislative committees on health and welfare.

05-24-2022

Sent to the Governor for executive approval.

06-03-2022

Signed by Governor as [Act No. 271](#); effective 08-01-2022.

*This 67-paged bill is a collection of technical corrections to multiple practice acts within the professional and occupational licensing laws. Three sections of the pharmacy law (1176 – removal of a board members, 1218 – administration of influenza immunization, and 1218.1 – administration of immunizations and vaccines other than influenza) are included, and all of the changes are technical and non-substantive in nature.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**HB 378** Marino

Adds certain substances to the Uniform Controlled Dangerous Substances Law.

05-17-2022

Signed by Governor as [Act No. 46](#); effective 08-01-2022.

*The bill amended the controlled substance law to update the schedules with all of the federal scheduling actions since the last legislative session.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**HB 497** Turner

Exempts certain facilities that provide home dialysis drugs or devices from the provisions of the La. Pharmacy Practice Act.

05-25-2022

Signed by Governor as [Act No. 154](#); effective 08-01-2022.

*The bill amended the pharmacy law to exempt dialysis centers.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**HB 553** McKnight

Provides relative to suitability requirements for persons associated with medical marijuana production.

06-18-2022

Signed by Governor as [Act No. 628](#); effective 06-18-2022.

*The bill amended the medical marijuana law to repeal the requirement for suitability investigations for licensees and their contractors. While LDH may still require criminal background checks, those checks may be obtained from government or private entities, and further, LDH shall issue provisional permits pending receipt of results of such background checks.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**HB 555**

Owen

Provides relative to occupational licenses.

06-16-2022

Signed by Governor as [Act No. 483](#); effective 08-01-2022.

*The bill established a new section within Title 37 – Professions and Occupations to require licensing boards to publish licensing data (issued and denied; new and renewal; by parish) on their website annually; and further, to submit a one-paged synopsis of licensing requirements to the legislative committees on commerce no later than February 15, 2023.*

**Action Plan:**

- Prepare agency policy, identify education and training resources, develop data collection tools for annual reports, and prepare website and other communications.

**HB 639**

Pressly

Provides relative to occupational licensing for persons with criminal histories.

06-16-2022

Signed by Governor as [Act No 486](#); effective 08-01-2022.

*The bill amended Title 37 – Professions and Occupations to allow persons with criminal histories obtain pre-application eligibility determinations from a licensing board, requires the licensing board to provide certain information to persons in the event of a contemplated denial of licensure, and requires the licensing board to keep records of licensure denials and file annual reports on that information to the legislature.*

**Action Plan:**

- Revise application forms and update licensing procedures.
- Develop data collection and reporting tools.

**HB 673**

Jordan

Provides relative to the regulation of pharmacy benefit managers.

06-18-2022

Signed by Governor as [Act No. 723](#); effective 06-18-2022.

*The bill amended the PBM Licensing Law to add 5 members (governor, chairs of legislative insurance committees, and chairs of legislative health and welfare committees). A new section was added to permit the PBM Monitoring Advisory Council to meet via 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.*

**Action Plan:**

- Update *Louisiana Pharmacy Law Book*.
- Develop electronic meeting procedures in compliance with R.S. 42:17.2

**HB 697**

Magee

Reforms the state systems for regulating the production of marijuana for therapeutic use and for the dispensing of such product.

06-16-2022

Signed by Governor as [Act No. 491](#); effective 08-01-2022.

*The bill 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.*
- *The bill 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 bill.*
- *The bill established a laboratory licensing system to be administered by the Dept. of Health.*
- *To prevent interruptions in the state program, the bill 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 10<sup>th</sup> marijuana pharmacy permit as soon as possible.
- The bill 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 bill capped the total number of marijuana pharmacy permits in the state to 30 (primary + satellites).

**Action Plan:**

- Update Louisiana Pharmacy Law Book.
- Refer to Regulation Revision Committee to develop a regulatory proposal.
- Prepare application form and solicitation of applications for 10<sup>th</sup> marijuana pharmacy permit.
- Configure new credential type (PHY-TMS) in eLicense for satellite marijuana pharmacy permits.
- Develop application form, communications, and process to issue satellite marijuana pharmacy permits.

**HB 698**

Magee

Provides for fees and charges to be assessed by the La. Dept. of Health and La. Board of Pharmacy in connection with regulation of marijuana for therapeutic use.

06-16-2022

Signed by Governor as [Act No. 492](#); effective 06-16-2022.

*The bill amended the medical marijuana law to re-direct the licensure fees paid by licensees and contractor from the Dept. of Agriculture & Forestry to the Dept. of Health.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**HB 758**

Schexnayder

Provides relative to industrial hemp.

06-16-2022

Signed by Governor as [Act No. 498](#); effective 06-16-22022.

*The bill 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.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**HB 775**

Glover

Provides relative to the definition of drug paraphernalia.

06-16-2022

Signed by Governor as [Act No. 499](#); effective 08-01-2022.

*The bill 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.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**Resolutions**

**HR 247**

Marino

Continues and provides with respect to the special legislative commission on medical marijuana created

by HR 113 of the 2021 Regular Session  
06-06-2022

Enrolled; signed by House Speaker.

*The resolution continues the Medical Marijuana Commission created by HR 113 of the 2021 Legislature. The resolution authorizes the Commission to monitor the regulatory reform of the state medical marijuana program required by Act 491 of the 2022 Legislature to ensure continuity of patient access to marijuana products. The resolution requires the Board of Pharmacy to continue to provide information as requested by the Commission. The Commission shall report its findings to legislative leadership no later than February 1, 2023.*

[HR 269](#)

Landry

Creates the Employment and Medical Marijuana Task Force to study policies regarding employment and medical marijuana.

06-06-2022

Enrolled; signed by House Speaker.

*This resolution creates a task force to study various employment issues related to use of marijuana. The President of the Board of Pharmacy, or his designee, is a member of the Task Force. The resolution requires the Dept. of Health to provide administrative support and to convene the first meeting no later than Sept. 1, 2022. Their report of findings and recommendations on 6 specific topics is due no later than February 1, 2023.*

**Action Plan:**

- Update PPM.I.B.6 ~ Board Liaisons to Other Entities.

## Senate

### Bills

[SB 22](#)

Boudreaux

Extends the termination date of the Palliative Care Interdisciplinary Advisory Council for three years.

06-18-2022

Signed by Governor as [Act No. 659](#); effective 08-01-2022.

*The bill re-created the council and set the new termination date as August 1, 2025. The advisory council is housed within the Dept. of Health which is responsible for providing administrative support to the council. There are 17 members on this council, one of whom shall be a pharmacist with experience providing palliative care. The pharmacist member shall be appointed by the Board of Pharmacy. This external liaison appointment is the prerogative of the Board's President as specified in PPM.I.B.6.*

**Action Plan:**

- Update PPM.I.B.6 ~ Board Liaisons to Other Entities.

[SB 31](#)

F. Mills

Provides for the repeal of certain inactive or obsolete healthcare laws.

06-03-2022

Signed by Governor as [Act No. 252](#); effective 08-01-2022.

*The bill repealed a large number of sections of inactive or obsolete healthcare laws. One of those sections repealed was RS 40:642, which was the final numbered section of the State Food, Drug & Cosmetic Law and related to various reports available from the Dept. of Health.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

[SB 35](#)

F. Mills

Names the Louisiana Board of Pharmacy building located in Baton Rouge the "Carl W. Aron Building."

06-15-2022

Signed by Governor as [Act No. 409](#); effective 06-15-2022.

*The bill named the building located at 3388 Brentwood Drive in Baton Rouge, Louisiana the “Carl W. Aron Building.”*

**Action Plan:**

- Refer to Executive Committee to develop proposal for an appropriate memorial marker.

**SB 67**

F. Mills

Provides for the reorganization and modernization of the Administrative Procedure Act.

06-18-2022

Signed by Governor as [Act No. 663](#); effective 08-01-2022.

*The bill updated and reorganized the Administrative Procedure Act (APA) which has been amended several times since its original adoption in 1966. The bill removed obsolete references, updated current references, and restructured the law to reflect current procedures. A new requirement was added to require the inclusion of a link the state register website on the Board’s website relative to proposed rules.*

**Action Plan:**

- Update Board website with required link to state register.
- Update rulemaking procedures.

**SB 83**

F. Mills

Creates the Council on Medicaid Pharmacy Reimbursement.

06-10-2022

Signed by Governor as [Act No. 292](#); effective 08-01-2022.

*This bill amended the Medicaid law to create the Council on Medicaid Pharmacy Reimbursement within the Dept. of Health. The law identifies the composition of the 10-member council, which includes two pharmacists to be appointed by the Board of Pharmacy. The bill 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. The bill requires LDH to provide administrative support to the council.*

**Action Plan:**

- Update *PPM.I.B.6 ~ Board Liaisons to Other Entities*.

**SB 97**

Boudreaux

Provides relative to pharmacist licensure by reciprocity.

06-18-2022

Signed by Governor as [Act No. 666](#); effective 08-01-2022.

*The bill amended the pharmacy law to remove the current limitation on reciprocity with other states ‘under comparable circumstances or conditions.’*

**Action Plan:**

- Update *Louisiana Pharmacy Law Book*.

**SB 99**

F. Mills

Provides relative to permits issued by the Board of Pharmacy.

06-17-2022

Signed by Governor as [Act No. 536](#); effective 08-01-2022.

*The bill amended the PBM Licensing Law to change the licensure requirement for PBMs operating in the state from “may” to “shall”. The bill also inserted an option for a PBM facing suspension or termination of their permit to move their hearing to the division of administrative law.*

**Action Plan:**

- Update *Louisiana Pharmacy Law Book*.

**SB 121** Bernard  
Provides relative to the display of pharmacy permits.  
06-10-2022 Signed by Governor as [Act No. 298](#); effective 08-01-2022.

*The amended the pharmacy law to repeal the single sentence requiring pharmacies to publicly display their pharmacy permits.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**SB 183** F. Mills  
Provides relative to transparency in the application process for any state-issued license or permit.  
06-17-2022 Signed by Governor as [Act No. 590](#); effective 08-01-2022.

*The bill created a new section in Title 37 – Professions and Occupations to require licensing boards to post information on their website, including a brief description of each license issued by the board, the full text of the application, a checklist of all information required to be submitted to complete the application process, name and contact information for the person responsible for responding to inquiries about the application, and the anticipated timeline for review of a completed application. The board shall also submit an annual report to its legislative oversight committee indicating the number of applications received, the number of licenses issued, and timelines for approval of an application. The board shall post a copy of that legislative report on its website.*

**Action Plan:**

- Prepare and post required information on website.
- Prepare and timely submit legislative report.

**SB 315** Womack  
Provides relative to fentanyl.  
06-18-2022 Signed by Governor as [Act No. 671](#); effective 08-01-2022.

*The bill amended the controlled substance law to classify distribution of fentanyl and carfentanil as crimes of violence when such distribution results in serious bodily injury to the user.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.

**SB 388** Hewitt  
Prohibits the sale of certain abortion inducing drugs without a prescription and creates the crime of criminal induced chemical abortion.  
06-17-2022 Signed by Governor as [Act No. 548](#); effective 08-01-2022.

*The bill 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.*

**Action Plan:**

- Update Louisiana Pharmacy Law Book.
- Consider bulletin or other communication re dispensing procedures.



**SB 478**

Bernard

Provides relative to the public records law.

06-18-2022

Signed by Governor as [Act No. 770](#); effective 08-01-2022.

*The bill amended the Public Records Law, and more specifically the duty for custodians of public records. The bill permits custodians to make an inquiry concerning specificity of records if, after initial review of the request, the custodian is unable to ascertain what records are being requested. Further, the bill provides that if a request for records would 'substantially disrupt required government operations,' the custodian may deny the request after attempting to reach a reasonable solution with the requestor. In addition, the custodian shall not be required to provide copies to persons who fail to pay the applicable copying fees or fulfill subsequent requests until any outstanding fee balance is resolved. In addition, the bill increases the amount of time within which the custodian shall respond to a request for records, from 3 days to 5 days excluding Saturdays, Sundays and legal holidays. Finally, the bill requires violations of public records laws to be arbitrary or capricious in order for the penalties provided within that law to be imposed.*

**Action Plan:**

- Update procedures for responding to requests for public records

**[END]**