

ACT No. 438

2022 Regular Session

HOUSE BILL NO. 135

BY REPRESENTATIVES MARINO AND GLOVER

1 AN ACT

2 To enact R.S. 40:1046.1, relative to dispensing of medical marijuana; to provide relative to
3 pharmacies licensed by the Louisiana Board of Pharmacy to dispense medical
4 marijuana, known commonly as marijuana pharmacies; to authorize dispensing of
5 medical marijuana to certain persons who are not Louisiana residents or are short-
6 term residents of this state; to establish qualifications necessary for such persons to
7 receive medical marijuana in this state; to establish duties of marijuana pharmacies
8 with respect to such dispensing; to prohibit the dispensing of medical marijuana in
9 certain instances; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1046.1 is hereby enacted to read as follows:

12 §1046.1. Dispensing of marijuana for therapeutic use to visiting qualifying patients

13 A. As used in this Section, the following terms have the meaning ascribed
14 in this Subsection:

15 (1) "Board" means the Louisiana Board of Pharmacy.

16 (2) "Debilitating medical condition" has the meaning ascribed in R.S.
17 40:1046(A)(2)(a).

18 (3) "Marijuana pharmacy" means a pharmacy that holds a specialty license
19 to dispense medical marijuana issued pursuant to R.S. 40:1046(G).

20 (4) "Medical marijuana" means marijuana for therapeutic use produced
21 pursuant to the provisions of R.S. 40:1046(H).

1 (5) "Prescription monitoring program" means the electronic system for the
2 monitoring of controlled substances and drugs of concern established in R.S.
3 40:1004.

4 (6) "Visiting qualifying patient" means a patient with a debilitating medical
5 condition who is not a resident of Louisiana or who has been a resident of Louisiana
6 for less than thirty days and who is in actual possession of a valid medical marijuana
7 registry identification card, or its equivalent, which has been issued under the
8 medical marijuana laws of another state, district, territory, commonwealth, or insular
9 possession of the United States.

10 B. A visiting qualifying patient may obtain medical marijuana from a
11 marijuana pharmacy upon producing evidence of his valid medical marijuana
12 registry identification card, or its equivalent, which has been issued under the
13 medical marijuana laws of another state, district, territory, commonwealth, or insular
14 possession of the United States.

15 C.(1) A marijuana pharmacy shall require each visiting qualifying patient to
16 certify on a form approved by the board that he has been diagnosed by a licensed
17 physician with one or more debilitating medical conditions. The form shall include
18 the full name, address, and phone number of the visiting qualifying patient and shall
19 include a statement to be signed by the patient by which he shall attest that he will
20 not divert to any person any medical marijuana dispensed to him by the marijuana
21 pharmacy.

22 (2)(a) A marijuana pharmacy shall retain a copy of each of the following
23 documents received from a visiting qualifying patient:

24 (i) The patient's valid medical marijuana registry identification card or its
25 equivalent.

26 (ii) The patient's valid driver's license or other government-issued photo
27 identification document.

28 (iii) The original, completed, and signed form provided for in Paragraph (1)
29 of this Subsection.

1 **(b) The board shall promulgate in accordance with the Administrative**
2 **Procedure Act a record retention schedule for marijuana pharmacies which applies**
3 **to the documents identified in this Paragraph.**

4 **D. Prior to dispensing any medical marijuana product to a visiting qualifying**
5 **patient, a dispensing pharmacist at a marijuana pharmacy shall review the patient's**
6 **records in the prescription monitoring program. The pharmacist shall resolve any**
7 **concerns identified in the review of the patient's prescription monitoring program**
8 **records by consultation with the patient's physician.**

9 **E.(1) Upon dispensing any medical marijuana product to a visiting**
10 **qualifying patient, the dispensing pharmacist at a marijuana pharmacy shall report**
11 **that transaction to the prescription monitoring program in conformance with program**
12 **rules governing dispensing of controlled substances to Louisiana-resident patients**
13 **and as required by any rules of the board that apply to marijuana pharmacies.**

14 **(2) The dispensing pharmacist at a marijuana pharmacy shall perform a**
15 **prospective drug utilization review for each visiting qualifying patient and shall**
16 **counsel each such patient every time medical marijuana is dispensed to the patient**
17 **in conformance with rules of the board governing dispensing of controlled**
18 **substances to Louisiana-resident patients and in compliance with applicable rules of**
19 **the board on drug utilization review and patient counseling.**

20 **F. No marijuana pharmacy shall dispense medical marijuana to a person who**
21 **holds himself out to be a visiting qualifying patient if the dispensing pharmacist at**
22 **the pharmacy determines any of the following with respect to that person:**

23 **(1) The person's medical marijuana registry identification card was revoked,**
24 **has expired, or is otherwise not valid and current.**

25 **(2) The person's medical marijuana registry identification card was**
26 **fraudulently obtained.**

27 **(3) The person's application or written certifications were falsified in any**
28 **way.**

1 (4) The person knowingly violated any law of this state applicable to medical
2 marijuana.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____