



Louisiana Board of Pharmacy

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March 13, 2026

To: Attorney General Liz Murrill
Attn: Department of Justice, Occupational Licensing Review Program

From: Joe Fontenot, Executive Director
Louisiana Board of Pharmacy

Subject: **Regulatory Project 2026-01 – Controlled Dangerous Substances (CDS)**

The Louisiana Board of Pharmacy seeks to amend Chapter 27 (LAC 46:LIII.Chapter 27) of its rules relative to Controlled Dangerous Substances (CDS). The proposed rule changes seek to streamline the regulatory framework by adopting federal regulations by reference, consolidating any provisions that differ from the Code of Federal Regulations (CFR) into Section 2713, and repealing all remaining sections containing redundant requirements. The rule also changes distributor reporting so Automation of Reports and Consolidated Orders System (ARCOS) related reports are provided to the Board only upon request, which reduces ongoing reporting requirements for licensees.

To facilitate the Department of Justice's review of the proposed rule, the Louisiana Board of Pharmacy provides answers to the following questions.

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation?

Chapter 27 of the Louisiana Board of Pharmacy (LBP) rules largely mirrors 21 CFR Parts 1300-1399. Each time the federal regulations change, corresponding updates must be made to Chapter 27. This redundancy also places an unnecessary burden on CDS licensees, who must comply with both sets of regulations. The proposed rule changes adopt the federal regulations by reference, consolidate any provisions that differ from the CFR into Section 2713, and repeal all remaining sections containing redundant requirements.

The proposed rule changes do not affect licensure but instead the requirements placed upon licensed persons and places such as security, recordkeeping, dispensing, distribution, etc.

2. Is the occupational regulation within the scope of the occupational licensing board's general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.

Yes. LA R.S. 40:972(A) details the authority of the Board of Pharmacy to promulgate regulations relating to the registration and control of controlled dangerous substances within Louisiana.

3. Check all the following that apply as reasons the occupational regulation is subject to review

- Creates a barrier to market competition
- Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder.
- Reduces competition or excludes present or potential competitors from the occupation regulated by the board
- Limits output or supply in this state of any good or service provided by the members of the

regulated occupation.

- Reduces the number of providers that can serve a particular set of customers
- Changes existing requirements for licensure, certification, registration, etc.
- Other activity (please describe)

The proposed rule changes do not create any barriers to market entry, but they do establish requirements for anyone who manufactures, distributes, dispenses, or otherwise handles controlled substances.

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?

Act 634 of 1972 Legislature incorporated protections regarding controlled dangerous substances into the Louisiana Uniform Controlled Dangerous Substances Law to protect the public from the detrimental effects of misusing substances which are susceptible to abuse or which lead to addiction.

LA R.S. 40:972 details the authority of the Board of Pharmacy to promulgate regulations relating to the registration and control of controlled dangerous substances.

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

The purpose of this regulatory project is to streamline the regulatory framework by adopting federal regulations by reference, consolidating any provisions that differ from the Code of Federal Regulations (CFR) into Section 2713, and repealing all remaining sections containing redundant requirements. The rule also changes distributor reporting so ARCOS related reports are provided to the Board only upon request, which reduces ongoing reporting requirements for licensees.

Less restrictive regulations do not exist for addressing the same harm. If the Board promulgated a less restrictive regulation to the CFR, the license holders must adhere to the more stringent.

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.

- *06-18-2025 – Regulation Revision Committee of the Board held a public meeting to consider a rule change and receive stakeholder input.*
- *08-20-2025 - Board approved Regulatory Proposal 2025-F for promulgation.*
- *10-22-2025 - Regulation Revision Committee scheduled to considered Draft #3, after additional proposed changes identified.*
- *10-22-2025 - Regulation Revision Committee approved Draft #3 for submission to the Board for consideration.*
- *11-19-2025 - Board scheduled to consider Draft #3 .*
- *11-19-2025 - Board approved Draft #3 for promulgation.*
- *12-04-2025 - Fiscal & Economic Impact Statement (FEIS) submitted to the Legislative Fiscal Office (LFO) for approval.*
- *12-29-2025 - Annual Report on Rulemaking Activities for calendar year 2025 submitted.*
- *01-07-2026 - LFO approved FEIS.*
- *01-08-2026 - 1st Report submitted to the Joint Legislative Oversight Committee on Health & Welfare.*
- *01-08-2026 - Notice of Intent (NOI) submitted to the Louisiana Register for publication on January 20, 2026.*
- *01-20-2026 - NOI published in the 2026 Louisiana Register, Volume 52, January Edition.*
- *01-20-2026 - Public Hearing scheduled for February 26, 2026.*
- *01-20-2026 - Notice of Rulemaking Activity & Public Hearing distributed.*

- 02-26-2026 - Public Hearing at the Board office.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order? *No*

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.

At the November 19, 2025 meeting of the Board, 16 members were present, and one member (Chris Melancon) was absent. The vote in favor of the proposed rule was unanimous (15-0) with President McKay not voting as chair. Members present: Robert Cloud, David Collins, David Darce, Jennifer Dupree, Jacqueline Hall, Richard Indovina, Jr., Charles Jones, Kevin LaGrange, Richard Mannino, Marty McKay, Troy Menard, Anthony Mercante, Robert Ray, Don Resweber, Richard Soileau, and Raymond Strong. All members voting are active market participants except for Mr. Resweber, the public member.

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule? *No.*