



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 2026-04 – Institutional Pharmacy**

The Louisiana Board of Pharmacy seeks to amend Section 1705 and repeal Sections 1715, 1717, 1719, 1721, 1723, and 1725 of its rules (LAC 46:LIII. Chapter 17) relative to Institutional Pharmacy. The proposed change in Section 1705 removes the restriction on the type of pharmacy permit that may be issued to a pharmacy located within an institutional facility and removes Section 1705.B and Section 1705.C regarding hospital and correctional center pharmacies which are addressed in Chapter 15 and Chapter 18 of the Board's rules. The proposed repeal of Sections 1715, 1717, 1719, 1721, 1723, and 1725 removes regulations regarding Drug Abuse Treatment Center Pharmacies that were determined to be unnecessary following the Board's review of its rules in compliance with the Governor's Executive Order No. JML 25-038 and Act 102 of the 2024 Regular Session. Drug Abuse Treatment Center Pharmacies will adhere to the remainder of Chapter 17 and Chapter 11 of the Board's rules.

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?

During the Board's review of its rules in compliance with the Governor's Executive Order No. JML 25-038 and Act 102 of the 2024 legislative session, the Board determined that there was no need for the restriction on the type of pharmacy permit issued to a pharmacy located within an institutional facility in Section 1705 and that Subsections 1705.B and 1705.C, along with Sections 1715, 1717, 1719, 1721, 1723, and 1725 were an unnecessary duplication of regulations found elsewhere.

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. 37:1164(23) - "Institutional pharmacy" means that physical portion of an institutional facility where drugs, devices, and other materials used in the diagnosis and treatment of injury, illness, and disease are dispensed, compounded, and distributed and pharmacy primary care is provided; and is permitted by the board and is devoted exclusively to providing professional services to a patient in that institutional setting other than a hospital.

LA R.S. 37:1182(A). Powers and duties of the board. The Board shall be responsible for the control and regulation of the practice of pharmacy and shall:

(1) Make necessary rules and regulations to carry out the purposes and enforce the provisions of this

Chapter and furnish copies of them upon request.

(13) Establish minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding, and dispensing of drugs or devices.

LA R.S. 37:1223. Classifications.

A. The board shall determine the permit classifications of all persons permitted under this Part, and establish minimum standards for such persons.

B. The board shall establish the criteria that each permit holder must meet to qualify for a permit in each classification. The board may issue a permit with varying restrictions to such persons where the board deems it necessary.

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)

A permit from the Board of Pharmacy is required to operate an Institutional Pharmacy within an institutional facility.

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?

The purpose of the Louisiana Pharmacy Practice Act, as stated in LA R.S 37:1163, is to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of pharmacy; the licensure of pharmacists; and the licensure, permitting, certification, registration, control, and regulation of all persons or sites in or out of this state that sell drugs or devices to consumers and/or patients or assist in the practice of pharmacy within the state.

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.

No, less restrictive alternatives do not exist.

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.
- 10-22-2025 – Committee held another public meeting to consider draft proposal.
- 11-19-2025 - Board scheduled to consider Draft #2.
- 11-19-2025 - Board approved Draft #2 for promulgation.
- 12-05-2025 - Fiscal & Economic Impact Statement (FEIS) submitted to the Legislative Fiscal Office (LFO) for approval.
- 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*.