



Louisiana Board of Pharmacy
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July 17, 2025

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 2025-03 ~ Pharmacy Technician Certificate Qualifications**

The Louisiana Board of Pharmacy seeks to amend Section 905 of its rules relative to pharmacy technician certificate qualifications in response to Act 253 of the 2024 Louisiana Legislature. The proposed rule change removes the practice requirement placed upon a pharmacy technician applicant from another state and recognizes the exception provided by the Act regarding the examination requirement.

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?

Act 253 of the 2024 Louisiana Legislature (Welcome Home Act), which was designed to make it easier for skilled professionals to relocate to Louisiana, requires the Board to issue a license or certification to a person if the applicant meets certain conditions. Included in those conditions is that the applicant has held a similar license in another state for at least one year, and that the other state required the applicant to pass an examination, or to meet education, training, or experience standards. Not included in those conditions was a requirement to have practiced under that license. As a result, the Board determined it necessary to remove the requirement for the applicant to have been practicing for at least one year as a pharmacy technician and to include the exception to the Board's examination requirement provided by the Welcome Home Act (R.S. 37:52(A)(3)).

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.

R.S. 37:1164. Definitions.

(43) "Pharmacy technician" means an individual who assists in the practice of pharmacy under the direct and immediate supervision of a licensed pharmacist and is certified to do so by the board.

R.S. 37:1182. Powers and duties of the board

A. 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.

(12) Regulate, license, certify, and register the training, qualification, and employment of pharmacy interns and pharmacy technicians.

3. Check all of 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
- ☐ Other activity (please describe)

A person without a credential issued by the Board is not eligible to assist in the practice of pharmacy.

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.

The proposed rule change is less restrictive than the current rule.

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.

10-17-2024 – Public meeting held, pursuant to public notice, and the Regulation Revision Committee reviewed and considered Draft #1 with public participation.

11-20-2024 – Board approved the Regulatory Proposal for promulgation.

01-10-2025 – Fiscal & Economic Impact Statement (FEIS) submitted to Legislative Fiscal Office (LFO) for approval.

01-16-2025 – Request to the LFO to pause FEIS review.

02-06-2025 – Public meeting held, pursuant to public notice, and the Regulation Revision Committee reviewed and considered Draft #2 with public participation.

02-19-2025 – Board approved this Regulatory Proposal for promulgation.

03-03-2025 – FEIS submitted to the LFO for approval.

04-09-2025 – LFO approved FEIS.

04-09-2025 – First Report submitted to the Joint Legislative Oversight Committee on Health & Welfare.

04-09-2025 – Notice of Intent (NOI) submitted to the Louisiana Register for publication on April 20, 2025.

04-20-2025 – NOI published in the Louisiana Register, Volume 51, April Edition.

04-20-2025 – Public Hearing scheduled for May 27, 2025.

04-21-2025 – Notice of Rulemaking Activity & Public Hearing distributed.

05-27-2025 – 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 February 19, 2025 meeting of the Board, 16 members were present and one member (Jennifer Dupree) 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, Jacqueline Hall, Richard Indovina, Jr., Charles Jones, Kevin LaGrange, Richard Mannino, Marty McKay, Chris Melancon, 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.*