



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



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 2025-05 ~ Nonresident Pharmacy**

The Board of Pharmacy seeks to amend Sections 2301 and 2307 of its rules relative to Nonresident Pharmacy. The proposed Rule change removes the current language in Section 2301.A, which may be confusing and unnecessary when compared to current language in Section 2309. The proposed Rule change in Section 2307 reduces the minimum experience requirement for a pharmacist to qualify for a Pharmacist-in-Charge (PIC) privilege from two years of active pharmacy practice to one year to align with the recent Rule change made to Section 1105 which received OLRP approval on May 12, 2025 as part of Regulatory Project 2025-01.

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?

*The proposed rule change removes the current language in Section 2301.A to avoid confusion. The current rule was considered unnecessary when considering the language contained in Section 2309.*

*The proposed rule change in Section 2307 follows a recent change in Section 1105, which reduces the minimum experience requirement for a pharmacist to qualify for a PIC privilege from two years of active pharmacy practice to one year. This proposed rule change adjusts the requirements for a PIC of a nonresident pharmacy to align with those of a PIC of an in-state pharmacy.*

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.***

*(37) "Pharmacist-in-charge" means a pharmacist currently licensed by the board who accepts responsibility for the operation of a pharmacy in conformance with all laws and regulations pertinent to the practice of pharmacy and the distribution of drugs, and who is personally in full and actual charge of such pharmacy and personnel.*

***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.*

*(9) Establish and enforce compliance with professional standards and rules of conduct of pharmacists engaged in the practice of pharmacy.*

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

- ☒ [ X ] 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 licensed pharmacist without the necessary experience would not qualify for the PIC privilege of a nonresident pharmacy, thereby creating a barrier.*

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.

**02-16-2025** – Pubic meeting held, pursuant to public notice, and the Regulation Revision Committee reviewed and considered Draft #1 with public participation.

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

**03-14-2025** – Fiscal & Economic Impact Statement (FEIS) submitted to Legislative Fiscal Office (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.*