



Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



April 9, 2025

Senator Cameron Henry
President, Louisiana Senate
Via Email: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Report No. 1 of 3 for Regulatory Project 2025-06 ~ Practitioner CDS License

Dear Senator Henry:

The Board of Pharmacy seeks to amend Section 2705 of its rules relative to a controlled dangerous substance (CDS) license for practitioners. The proposed rule change is pursuant to Act 444 of the 2022 Regular Session of the Louisiana Legislature which expanded the authority to issue recommendations for medical marijuana to "authorized clinicians," defined to include physicians, advanced practice registered nurses with prescriptive authority, and medical psychologists.

In connection with this regulatory project, the following items are appended:

- Notice of Intent
- Fiscal & Economic Impact Statement

As indicated in the solicitation, we will convene a public hearing at 9:00 a.m. on Tuesday, May 27, 2025 to receive public comments and testimony on this proposed rule change. We will summarize those comments and our responses thereto in our next report to you. In the event you have any questions or need additional information about this project, please contact me directly at jfontenot@pharmacy.la.gov or 225.925.6481.

For the Board:

M. Joseph Fontenot Jr.
Executive Director

cc: Chair, Senate Health & Welfare Committee
Via Email: APA.S-H&W@legis.la.gov
Speaker, House of Representatives
Via Email: APA.HouseSpeaker@legis.la.gov
Chair, House Health & Welfare Committee
Via Email: APA.H-HW@legis.la.gov
Editor, *Louisiana Register*
Via Email: Reg.Submission@la.gov
Reference File

NOTICE OF INTENT

Department of Health Board of Pharmacy

Practitioner CDS License (LAC 46:LIII.2705)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §2705 of its rules relative to a controlled dangerous substance (CDS) license for practitioners. The proposed Rule change is pursuant to Act 444 of the 2022 Regular Session of the Louisiana Legislature which expanded the authority to issue recommendations for medical marijuana to “authorized clinicians,” defined to include physicians, advanced practice registered nurses with prescriptive authority, and medical psychologists. The proposed Rule change in §2705.C.4. allows an “authorized clinician” as identified in R.S. 40:1046.B to apply for and be issued a CDS license to authorize the prescription or recommendation of medical marijuana.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII: Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter B. Licenses

§2705. Licenses and Exemptions

A. – C.3. ...

C.4. ~~A physician in possession of the appropriate credential issued by the Louisiana State Board of Medical Examiners~~ An “authorized clinician”, as identified in R.S. 40:1046.B., may apply for and be issued a CDS license to authorize the prescription or recommendation of the following controlled substances classified in Schedule I: marijuana, tetrahydrocannabinols, and synthetic derivatives of tetrahydrocannabinols; provided however that such prescriptions or recommendations shall only be authorized for therapeutic use in compliance with R.S. 40:1046.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2129 (October 2008), amended LR 39:312 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:570 (April 2020), LR 47:1640 (November 2021), LR 48:494 (March 2022), amended LR

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.
2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.
3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.
4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings and family budget.
5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.
2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.
3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment and workforce development.
4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.
5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on reporting requirements for small business.
2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.
3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.
4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.
5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule amendment.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule amendment will have no effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the cost to the provider to provide the same level of service.
3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Tuesday, May 27, 2025.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule change is scheduled for 9 a.m. on Tuesday, May 27, 2025 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.

Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Practitioner CDS License

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed Rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and Rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed Rule change will not affect revenue collections for state or local governmental units. Advanced practice registered nurses (APRNs) with prescriptive authority and medical psychologists currently in possession of a Louisiana controlled dangerous substance (CDS) license from the Board of Pharmacy who wish to add the schedule I privilege to their existing CDS license schedules, would simply send an email request to the board, there is no fee for the addition.

For individuals who do not currently hold a CDS license, the process remains the same—they must apply for the license and pay the associated fee. However, the proposed Rule change includes Schedule I privileges to and do not incur any additional cost.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Advanced practice registered nurses with prescriptive authority and medical psychologists could potentially see an economic benefit if they expand their current scope of practice to include medical marijuana recommendations. However, the potential economic benefit of this Rule change for these providers is indeterminable. There are no other anticipated economic costs or benefits resulting from this proposed Rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>M. Joseph Fontenot Jr. Executive Director</u>	Dept.:	<u>Dept. of Health</u>
Phone:	<u>225.925.6481</u>	Office:	<u>Board of Pharmacy</u>
Return Address:	<u>3388 Brentwood Drive</u> <u>Baton Rouge, LA 70809</u>	Rule Title:	<u>Practitioner CDS License</u>
		Date Rule Takes Effect:	<u>Upon promulgation August 20, 2025 (est.)</u>

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units. Advanced practice registered nurses (APRNs) with prescriptive authority and medical psychologists currently in possession of a Louisiana controlled dangerous substance (CDS) license from the Board of Pharmacy who wish to add the schedule I privilege to their existing CDS license schedules, would simply send an email request to the board, there is no fee for the addition.

For individuals who do not currently hold a CDS license, the process remains the same—they must apply for the license and pay the associated fee. However, the proposed rule change includes Schedule I privileges to and do not incur any additional cost.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Advanced practice registered nurses with prescriptive authority and medical psychologists could potentially see an economic benefit if they expand their current scope of practice to include medical marijuana recommendations. However, the potential economic benefit of this rule change for these providers is indeterminable. There are no other anticipated economic costs or benefits resulting from this proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment.

M. Joseph Fontenot, Jr. Digitally signed by M. Joseph Fontenot, Jr.
Date: 2025.04.09 14:27:16 -05'00'

Signature of Head or Designee

M. Joseph Fontenot, Jr.
Typed Name & Title of Agency Head or Designee

April 9, 2025
Date of Signature


Legislative Fiscal Officer or Designee Deputy Fiscal Officer

4/09/2025
Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change is pursuant to Act 444 of the 2022 Regular Session of the Louisiana Legislature which expanded the authority to issue recommendations for medical marijuana to "authorized clinicians," defined to include physicians, advanced practice registered nurses (APRNs) with prescriptive authority, and medical psychologists. The proposed rule change in §2705.C.4 gives "authorized clinicians" the authorization for prescription of certain substances classified in Schedule I.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule change is pursuant to Act 444 of the 2022 Regular Session of the Louisiana Legislature, which expanded the authority to issue recommendations for medical marijuana to "authorized clinicians," defined to include physicians, APRNs with prescription authority, and medical psychologists. By referencing the definition in the statute, any future legislative changes to which individuals are included in "authorized clinicians" will be immediately reflected in the regulation.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
- (1) Will the proposed Rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule change will not require any additional funding or expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ YES. If yes, attach documentation.

(b) XX _____ NO. If no, provide justification as to why this rule change should be published at this time

Louisiana Board of Pharmacy operates on self-generated revenue, and they have determined the proposed rule change is in the public's best interest.

FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 25	FY 26	FY 27
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$500	\$500	\$0
PROFESSIONAL SERVICES	\$0	\$0	\$0
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
TOTAL	\$500	\$500	\$0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state agencies resulting from the promulgation of the proposed rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and rule publication in the Louisiana Register.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$500	\$500	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
TOTAL	\$500	\$500	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Louisiana Board of Pharmacy has sufficient self-generated funds available to implement the proposed rule change.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule change will not result in costs or savings to local governmental units.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule change will not impact sources of funding of local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
LOCAL FUNDS	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule change will not affect revenue collections for state or local governmental units. Advanced practice registered nurses (APRNs) with prescriptive authority and medical psychologists currently in possession of a Louisiana controlled dangerous substance (CDS) license from the Board of Pharmacy who wish to add the schedule I privilege to their existing CDS license schedules, would simply send an email request to the board, there is no fee for the addition.

The enabling statute (RS 40:1046(B)) became effective on June 16, 2022. The Board of Pharmacy recognizes the enabling statute as superseding the current regulation and is able to issue a CDS license and add the schedule 1 privilege to authorized clinicians since the effective date. As of March 17, 2025, no CDS license has been issued to an APRN with prescriptive authority or a medical psychologist who were not already in possession of a CDS license with other schedule privileges.

Based on the information provided above, the proposed rule change will not affect revenue collections for state or local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The enabling statute (RS 40:1046(B)) which added advanced practice registered nurses (APRNs) with prescriptive authority and medical psychologists to the list of licensed health professionals (authorized clinicians) eligible to recommend medical marijuana is anticipated to be a potential economic benefit for people practicing and credentialed in the additional two prescriber roles, if they decide to pursue this scope of practice. The potential economic benefit of the rule change is indeterminable.

The proposed rule change is expected to provide an economic benefit for Advanced Practice Registered Nurses (APRNs) and medical psychologists if they choose to expand their scope of practice. However, the potential economic impact of this rule change remains indeterminable.

There are no anticipated additional costs as the APRNs with prescriptive authority and medical psychologists currently in possession of a Louisiana controlled dangerous substance (CDS) license from the Board of Pharmacy who wish to add the schedule I privilege to their existing CDS license schedules, would simply send an email request to the board, there is no fee for the addition.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There are no other anticipated economic costs or benefits resulting from this proposed rule change.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no anticipated effect on competition or employment.