

## POTPOURRI

### Department of Health Office of Public Health

Public Hearing—Substantive Changes to Proposed Rule;  
Regulation of Medical Marijuana  
(LAC 51:XXIX.101, Chapter 5, Chapter 7, 901,  
Chapter 23, and Chapter 25)

A Notice of Intent concerning the above-referenced proposed Rule was originally published by the Louisiana Department of Health on October 20, 2024 in the *Louisiana Register* (see LR 50:1573-1580). Written comments were invited, received, and considered. Certain of those comments suggested substantive changes. In consideration of such comments, the department proposes to amend several provisions of the proposed Rule by deleting the requirement for licenses for marijuana manufacturing in §501.A to be nontransferable; by adding Paragraph B.9 to §2103 to provide for other dosage forms that may be approved by the department through policymaking in the future; by changing the language in §2503.A.3 to remove the requirement for card-access locks on secure areas and by adding Subparagraphs 2503.A.3.a, 2503.A.3.b, and 2503.A.3.c to allow for access to secure areas by non-authorized personnel when accompanied by authorized personnel; by deleting the term “home” in §2505.A and by changing the term “home” to “current” in §2507.B to allow for deliveries to patients at sites other than their home addresses; by adding a new §2505.E to address the requirement that dispensaries enter new patient information into the Louisiana Medical Marijuana Tracking System database in a timely fashion; by changing the language in §2507.B.1.d to only require the authorized clinician to restrict dosage forms if a patient’s condition suggests one or more contraindications; by changing the language in §2507.B.1.e to specify an expiration date on recommendations of 36 months; by changing the language in §2507.B.1.f to remove the reference to a directory the Louisiana State Board of Medical Examiners does not maintain; by deleting §2507.B.3 restricting the number of dispensaries a patient may utilize for obtaining marijuana and renumbering §§2507.B.4 as 2507.B.3; by deleting language in §2507.F referring to a quantity on the recommendation; by changing the term “dispensing” to “fulfillment” in Subparagraph 2507.H.4 in recognition of the fact that dispensaries can fill “pre-orders”; and by changing the language in §2509.B to indicate that dispensaries must return all marijuana waste products to the manufacturer-of-origin for proper disposal. Accordingly, the department proposes to amend the proposed Rule as follows.

#### Title 51

#### PUBLIC HEALTH—SANITARY CODE

#### Part XXIX. Medical Marijuana

#### Subpart 1. Marijuana Manufacturers

#### Chapter 1. General Requirements

#### §101. Definitions

A. ...

\* \* \*

*Permittee*—Repealed.

*Therapeutic Marijuana*—see Medical Marijuana.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

#### Chapter 5. Licensure

#### §503. Permitting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), repealed LR 51:

#### §505. Application Process

A. - B.6. ...

7. Repealed.

8. ...

C. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended LR 51:

#### Chapter 7. Inspections and Operational Requirements

#### §701. Inspections

A. Licensed facilities require a preoperational or initial inspection and this shall follow review and acceptance of the plans required in §505. Inspections are designed to ensure the following:

1. - 9. ...

B. As a condition of its license, the licensee shall allow the surgeon general or his/her designee(s) to review all records relevant to the operations and management of the licensed facility.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

#### §703. Product and Site Security

A. Licensed facilities shall maintain an onsite security system that includes, at a minimum, the following components:

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

#### §705. Louisiana Medical Marijuana Tracking System

A. Licensed facilities shall possess and maintain required hardware and software to connect to the Louisiana Medical Marijuana Tracking System (LMMTS).

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

#### §707. Inventory Control

A. Licensed facilities shall maintain an inventory of medical marijuana, including medical marijuana waste, on

their premises and update these records no less frequently than once per week.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

#### **§709. Toxic Chemical Use and Storage**

A. Licensed facilities shall handle and store any chemicals for direct or indirect contact with medical marijuana in accordance with its written operations plan and the manufacturer's directions.

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

#### **§711. Transportation of Medical Marijuana**

A. Licensed facilities shall generate an inventory manifest prior to transporting any medical marijuana to a licensed marijuana pharmacy, laboratory, contractor or disposal site. The manifest shall include the following items:

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

#### **§715. Basic Facility Requirements**

A. Licensed facilities shall provide finishes to floors, walls, and ceilings that are durable, light in color, and easily cleanable.

B. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

### **Chapter 9. Approved Laboratories for Testing Medical Marijuana**

#### **§901. General Requirements**

A. Licensed facilities shall only utilize approved laboratories, as defined in this Section, for testing of medical marijuana.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended, LR 51:

#### **Subpart 2. Marijuana Dispensaries**

### **Chapter 21. General Requirements**

#### **§2103. Marijuana Product Requirements**

A. - B.6. ...

7. suppositories;
8. metered-dose inhalers; or
9. other forms approved by the department.

C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

### **Chapter 23. Permits**

#### **§2305. Renewal, Suspension, and Revocation**

A. - B. ...

C. Permits that are not renewed by December 31 are subject to suspension until such time as the proper packet has been submitted, reviewed, and accepted by LDH.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

### **Chapter 25. Inspections and Operational Requirements**

#### **§2501. Inspections**

A. Permitted facilities are required to be inspected at least once annually. Inspections are intended to verify compliance with the provisions of this Subpart, including §2511.

B. As a condition of its permit, the permittee shall allow the surgeon general or his/her designee(s) to review all records relevant to the operations and management of the permitted facility.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

#### **§2503. Product and Site Security**

A. - A.2. ...

3. restricted-access areas denoted by suitable signage and secured by means of secured-access locks where marijuana products are held and dispensed. Access to areas where marijuana inventory is stored and orders are dispensed shall meet the following requirements:

- a. be restricted to authorized personnel and not allowed to the general public;
- b. be secured by suitable physical barriers and monitored by the facility's security system;
- c. be inaccessible to any non-employee unless that person remains under the constant supervision of an employee authorized to be in the secure area.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

#### **§2505. Inventory Control and Required POS (Point-of-Sale) System**

A. - D. ...

E. Dispensary staff must enter information into the LMMTS for new patients within 24 hours of receipt of a recommendation from an authorized clinician. The patient profile information provided must include the following elements:

1. unique patient identification number that will attach to all relevant records;
2. status of the recommendation (active or inactive);
3. recommendation start date; and
4. data on purchase limits or restrictions other than those referenced in Subsection C. above, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

## **§2507. Deliveries, Dispensing and Labeling/Packaging Requirements**

A. - B.2.c.

d. if applicable, a list of any dosage forms of marijuana that may be contraindicated by the patient's debilitating condition or co-morbidities;

e. date of recommendation and an expiration date 36 months from the former date; and

f. self-certification that the authorized clinician is in good standing with the relevant licensing board as specified in R.S. 40:1046(B). For nurse practitioners, the self-certification shall affirmatively state that the recommender has prescriptive authority conferred by the State Board of Nursing.

3. Repealed.

4. The dispensary shall provide laboratory test results for any marijuana product available for dispensing to the patient upon request.

C. - E. ...

F. Repealed.

G. Dispensaries may utilize a recommendation issued by an authorized clinician to supply a patient on multiple occasions with marijuana products, provided that the dispensing is consistent with the requirements of §2505.C and that the dispensing does not exceed the legal limit or consist of a dosage form not specified under §2103.B of this Subpart.

H. Provided that no marijuana product is dispensed to an out-of-state address, dispensary staff may provide marijuana products to a visiting qualifying patient in compliance with the provisions of this Section and R.S. 40:1046.1. A dispensary shall retain all documents required by R.S. 40:1046.1(C)(2) for at least three years.

I. No marijuana product may be dispensed by the dispensary unless it bears a label including the following information:

1. the name, address, and telephone number of the dispensing firm;

2. the name of the authorized clinician recommending the product;

3. the name of the patient;

4. date of fulfillment;

5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

## **§2509. Disposal of Marijuana Product Waste**

A. ...

B. Waste products must be returned to the manufacturer to be disposed of by means of the following processes:

1. - 3. ...

C. Dispensary personnel must document every disposal activity in the facility's POS system, including the identifying characteristics of the waste, the quantity of waste, and the method of its disposal.

D. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

## **Public Hearing**

As such changes may be considered substantive by parties affected by the proposed Rule, notice is hereby given in accordance with the Administrative Procedure Act, specifically R.S. 49:968(H)(2), that a public hearing on the substantive changes will be held by the department on February 25, 2025 at 9 a.m. in Room 173 of the Bienville Building at 628 N. Fourth Street, Baton Rouge, LA 70802. All interested persons are invited to submit written comments concerning the proposed substantive changes to Tiffany Meche, Director, Bureau of Sanitarian Services, Bin Number 10, Box Number 9, P.O. Box 4489, Baton Rouge, LA 70821-4489. Written comments will be accepted until 4 pm, February 25, 2025.

Dr. Ralph Abraham

Surgeon General

and

Michael Harrington, MBA, MA

Secretary

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## **POTPOURRI**

### **Department of Insurance Office of the Commissioner**

Public Hearing—Substantive Changes to Proposed Rule;  
Regulation 131—Plan for Nonrenewal or Cancellation of  
Homeowners Policies in Effect and Renewed for  
More Than Three Years (LAC 37:XIII.Chapter 202)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., published a Notice of Intent to promulgate its Rule, Regulation 131, in the September 20, 2024, LAC 37, Chapter 202 of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend Section 20207 by amending the definition of *Homeowners Insurance* by deleting the reference to manufactured homes or mobile homes, by deleting the word means in the definition of *Insured*, and by adding a definition of *Not In The Public Interest*. Section 20209 A.2. was amended to require the submission of data and not the submission of a geographic map. Finally, Section 20209 B. was amended to add a reference to the Uniform Trade Secret Act. Since these are substantive changes, the Department of Insurance is giving the public an opportunity for a hearing as published in this Potpourri.

## **Title 37**

## **INSURANCE**

### **Part XIII. Regulations**

#### **Chapter 202. Regulation Number 131— Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years**

#### **§20207. Definitions**

A. As used in Regulation 131, these terms shall have the following meaning ascribed herein unless the context clearly indicates otherwise.