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To: Mr. M. Joseph Fontenot, Jr.
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From: Farra Mughal
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Occupational Licensing Review Program

Date: October 26, 2026

Subject: Louisiana State Board of Pharmacy
Proposed Amendment to LAC 46:LIII.109, 113, 301, 505, 507, 907, 909, 1103, 1119, 1123, 1124, 1203, 1503, 1525, 1803, 1811, 1813, 1815, 2533, and 3005
Regulatory Project 2025-454 ~ Pharmacists

I. SUMMARY

The Louisiana State Board of Pharmacy (the "***Board***") proposes amending LAC 46:LIII.109, 113, 301, 505, 507, 907, 909, 1103, 1119, 1123, 1124, 1203, 1503, 1525, 1803, 1811, 1813, 1815, 2533, and 3005 (the "***Proposed Amendments***") to (i) replace the Reciprocity Committee with the Application Review Committee, (ii) make the requirements for rulemaking petitions more user friendly, (iii) revise legal citations, (iv) to accept Interprofessional Continuing Education (the "***IPCE***") credits awarded by Joint Accreditation (the "***JA***") accredited providers to count towards a licensee's annual continuing education requirements, (v) incorporate United States Pharmacopeia (the "***USP***") standards governing sterile compounding into its regulations, (vi) establish the requirements regarding the reference materials to which pharmacies must maintain access, (vii) streamline requirements for record keeping, (viii) remove obsolete procedural instructions that are no longer necessary, (ix) update and remove definitions, (x) remove regulations concerning records of pharmacy services for patients in licensed healthcare facilities other than hospitals, and (xi) remove provisions for emergency drug kit permits for correctional center pharmacies.

The Board published a Notice of Intent to promulgate the Proposed Amendments on May 20, 2026.[1] The Board invited public comments on the Proposed Amendments through June 26, 2026. The Board held a public hearing on June 26, 2026, and heard oral testimony from Mr. Malcolm J. Broussard representing Hygeia Solutions in which he expressed his appreciation to the Board and

[1] Louisiana Register, Vol. 52, No. 5, at pgs. 826-831

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staff in responding to his petition and subsequently developing the regulatory project for promulgation.

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice's Occupational Licensing Review Program ("***OLRP***") on July 24, 2026. The OLRP invited public comments on the Proposed Amendments July 24, 2026 through August 7, 2026, and received no comments.

On October 19, 2026, the OLRP requested clarification from the Board concerning certain Proposed Amendments. The Board responded with the clarifications on October 23, 2026.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law.[2] An Occupational Regulation is a "rule defined in the Administrative Procedure Act that has reasonably foreseeable anticompetitive effects. Any license, permit, or regulation established by a … board not composed of a controlling number of active market participants is excluded."[3] Anticompetitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.[4]

The Louisiana Administrative Act (the "***APA***") defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees.[5] The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area.

As set forth below, the OLRP has determined the Board's Proposed Amendments to LAC 46: LIII §§507, 909, 1123, and 1803 are occupational regulations and adhere to clearly articulated state policy and therefore the Board may proceed with the adoption of the Proposed Amendments, subject to potential legislative approval where required by law and the Louisiana APA.

Additionally, the OLRP has determined the Board's Proposed Amendments to LAC 46:LIII. 109, 113, 301, 505, 907, 1103, 1119, 1123, 1124, 1203, 1503, 1525, 1811, 1813, 1815, 2533, and 3005 do not constitute occupational regulations with any foreseeable anti-competitive effects. Therefore, the Board may proceed with promulgating these amendments without further input from the OLRP in accordance with the Louisiana APA.

II. ANALYSIS

The Louisiana Pharmacy Practice Act ("***LPPA***"), La. R.S. 37:1161 *et seq.*, subjects the practice of pharmacy in the State of Louisiana to the regulation of the Board to promote, preserve, and protect

[2] LSA-R.S. 49:260 (D)(2)
[3] La. R.S. 49:260(G)(4)
[4] Black's Law Dictionary, 12th Edition p. 116
[5] La. R.S. 49:951(8)

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the public health, safety, and welfare through effective control of the regulation of the pharmaceutical practice 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 within this state.[6] Specifically, the Board is responsible for issuing and renewing permits deemed necessary to engage in the practice of pharmacy.[7] The Board has the statutory authority to make rules and regulations necessary to carry out its duties.[8]

A. Proposed LAC 46:LIII.109- Standing Board Committees

The Board proposes amending §109 to remove the Reciprocity Committee from the list of standing Board committees and replacing it with the Application Review Committee.

The current rule states that the Reciprocity Committee consists of at least three Board members appointed by the president and documents the qualifications, compliance, and credentials of reciprocity candidates.

Under the Proposed Amendment, the Application Review Committee will consist of at least three Board members, appointed by the president, to review applications referred by administrative officers and submits recommendations to the full Board.

The amendment does not change eligibility criteria or confer licensing authority onto the committee. It concerns internal Board administration and does not establish a reasonably foreseeable anticompetitive restraint.

Accordingly, the Proposed Amendment does not create or modify any licensure, education, supervision, discipline, or professional practice requirements. Therefore, the Proposed Amendment does not constitute an occupational regulation with any reasonably foreseeable anti-competitive effects, and the Board may proceed with amending §109 without further input from the OLRP in accordance with the Louisiana APA.

B. Proposed LAC 46:LIII.113- Rulemaking Procedures

The Board proposes amending §113 to require petitions for the adoption, amendment, or repeal of a rule to be submitted in writing, be legibly written or typed and delivered to the Board by US Postal Service, electronic mail, other delivery service, or personal delivery.

Currently, §113 requires all petitions, whether requesting the adoption, amendment, or repeal of a rule to be submitted in written form on plain white letter size bond paper and the text to be framed with a margin of at least one inch on all sides, have a pitch of not less than 10 characters per inch, and double-spaced while permitting quotations to be single-spaced.

The Board asserts the proposed change to §113 makes the requirements for rulemaking petitions clearer, concise, and more user friendly.

[6] La. R.S. 37:1163
[7] La. R.S. 37:1182(A)(8)
[8] La. R.S. 37:1182(A)(1)

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The Proposed Amendment does not create or modify any licensure, education, supervision, discipline, or professional practice requirements; thus, it does not constitute an occupational regulation. Therefore, the Board may proceed with promulgation in accordance with the Louisiana APA without further input from the OLRP.

C. Proposed LAC 46:LIII.301- Board Hearing Procedures and Jurisdiction

The Board proposes amending §301 to replace the numbered statutory definition cross-reference with a general reference to the Act for the definition of "person." The Proposed Amendment is intended to prevent the need for future amendments to the Board's rules if legislative revisions result in the renumbering of statutory definitions.

Currently, §301 cites La. R.S. 37:1164(33) as its statutory reference for the definition of a person. However, the definition of a person is currently codified in La. R.S. 37:1164(35). Act 767 of the Louisiana Legislature Regular Session originally established the definition of person in La. R.S. 37:1164(33). Subsequent statutory amendments and reorganization of the definitions in alphabetical order resulted in the definition of person being renumbered as La. R.S. 37:1164(35).

Because the Proposed Amendment is technical in nature and does not create or modify any licensure, education, supervision, discipline, or professional practice requirements, thus it does not constitute an occupational regulation. Therefore, the Board may proceed with promulgation in accordance with the Louisiana APA without further input from the OLRP.

D. Proposed LAC 46:LIII.505-Licensure

The Board proposes amending §505 to remove reference to La. R.S. 37:1184 and replace it with a reference to §115, which establishes fees for reinstatement of an expired or lapsed license. La. R.S. 37:1184 authorizes the Board to establish a fee schedule not less than the minimum fees outlined in the statute, while §115 sets the existing amounts charged for each fee.

While licensing and registration fees and requirements may function as barriers to market entry by imposing a financial barrier to those seeking to entry or remain in a profession, the Proposed Amendment does not have a financial impact on licensees because there is no change to the existing fee schedule established by the Board.

Accordingly, the Proposed Amendment does not create or modify any licensure, education, supervision, discipline, or professional practice requirements. Therefore, the Proposed Amendment does not constitute an occupational regulation with any reasonably foreseeable anti-competitive effects, and the Board may proceed with amending §505 without further input from the OLRP in accordance with the Louisiana APA.

E. Proposed LAC 46:LIII.507 and 909

The Board proposes amending §§507 and 909 to incorporate into its rules the existing Board policy to accept Interprofessional Continuing Education (IPCE) credit awarded by a provider with Joint Accreditation (JA) for continuing education requirements and add comprehensive lists of continuing education requirements for specific topics, including nuclear pharmacy, sterile compounding, and medication administration, which are found in the rules for each of those topics.

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The Board has statutory authority to make rules and regulations necessary to carry out its duties.[9] The Board is further authorized to establish requirements for continuing education in pharmacy, including the determination of acceptable program content and adopt rules and regulations necessary to carry out the stated objectives and purposes, to enforce LPPA.[10] Accordingly, it is within the Board's authority to accept IPCE credits awarded by JA accredited providers to count towards a licensee's annual continuing education requirements and to establish continuing education requirements for specific pharmacy practices and responsibilities.

Continuing education requirements may function as barriers to professional participation by imposing time and financial burdens on licensees. By accepting IPCE credit awarded by JA accredited providers, the Proposed Amendments expand the continuing education opportunities available to licensees and may reduce those burdens by allowing qualifying educational activities to satisfy existing requirements. The proposed amendments to §§505 and 909 therefore expand acceptable credit sources and restate existing topic requirements without increasing annual hours.

The OLRP finds that the Proposed Amendments to §§507 and 909 are within the Board's statutory authority and adhere to clearly articulated state policy. Therefore, the Board may promulgate this rule in accordance with the Louisiana APA.

F. Proposed LAC 46:LIII.907- Scope of Practice

The Board proposes amending §907 to prohibit pharmacy technicians from compounding Category 3 sterile preparations, as defined by the United States Pharmacopeia (the "***USP***"), or compounding sterile preparations from nonsterile starting ingredients. According to its website, USP is a private, non-profit scientific organization that develops standards and science-based solutions that help increase the supply of quality medicines, dietary supplements and food ingredients.[11]

The Board contends that Proposed Amendment updates language regarding compounding to reflect verbiage used in current USP chapters.

While the Proposed Amendment establishes standards for pharmacy technicians for compounding, it does not create new barriers to market entry, restrict competition, or reduce consumer choice. Thus, the Proposed Amendment is a rule governing the practice of pharmacy and is not an occupational regulation with any reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260.

Therefore, the Board may proceed with promulgation in accordance with the Louisiana APA without further input from the OLRP.

G. Proposed LAC 46:LIII.1103- Prescription Department Requirements

The Board proposes amending §1103 to remove reference to specific titles of required reference materials to be maintained and available within pharmacy prescription department and replaces it

[9] La. R.S. 37:1182(A)(1)
[10] La. R.S. 37:1210
[11] US Pharmacopeia (USP)

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with the current applicable state and federal pharmacy laws and regulations and relevant materials appropriate to the pharmacy's scope of practice.

The current rule requires pharmacies to maintain access to the current edition of the Louisiana Board of Pharmacy Laws and Regulations and current and appropriate reference materials pertinent to pharmacy practice, including but not limited to, veterinary pharmacy.

The Proposed Amendment clarifies that pharmacies must maintain access to relevant reference materials applicable to their pharmacy's scope of practice, and does not create new barriers to market entry, restrict competition, or reduce consumer choice. Thus, the Proposed Amendment is a rule governing the practice of pharmacy and is not an occupational regulation with any reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260.

Therefore, the Board may proceed with promulgation in accordance with the Louisiana APA without further input from the OLRP.

H. Proposed LAC 46:LIII.1119 and 1503

The Board proposes amending §§1119 and 1503 to remove the definitions of "Personal Identifier," "Password," and "Electronic Drug Record Keeping System," and change the definition of "Positive Identification" to be a secure, unique, and verifiable method of linking a practice of pharmacy activity or other function in a pharmacy information system to the individual who performed the activity while removing the previous specific requirements for the method.

Removing or updating the definitions of commonly used terms and phrases does not alter substantive licensing requirements or impose additional barriers to market entry, restrict competition, reduce consumer choice, or otherwise produce reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260. Therefore, the Proposed Amendments do not constitute occupational regulations.

The Board may proceed with promulgation in accordance with the Louisiana APA without further input from the OLRP.

I. Proposed LAC 46:LIII.1123-Records of Prescription Drug Orders and Chart Orders

The Board proposes amending §1123 to (i) streamline requirements for record keeping using more concise language, (ii) add an allowance to store hard copy prescriptions and chart orders in numerical or date sequence, and (iii) clarify electronic imaging retention requirements.

The Board has statutory authority to make rules and regulations necessary to carry out its duties.[12] More specifically, the Board is authorized to establish professional standards and rules of conduct, to set "minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding, and dispensing of drugs," to act through the Administrative Procedure Act, and to "[m]ake, keep, and preserve all books, registers,

[12] La. R.S. 37:1182(A)(1)

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and records," [13] and "[e]stablish minimum standards for maintaining the integrity and confidentiality of prescription information and other patient health care information." [14] La. R.S. 37:1229 additionally governs prescription-record retention and permits suitable books, files, or electronic recordkeeping systems, while prohibiting stricter recordkeeping requirements for electronic files than for manual systems.

The proposed amendments consolidate prescription and chart-order recordkeeping requirements while requiring electronic documentation of pharmacy activities with positive identification of responsible personnel. The amendments retain core prescription and refill information, daily backups, post-dispensing change logs, and electronic retention requirements; add specified search capabilities and immediate retrieval in both printed and downloadable electronic formats; permit hard copy filing by number or date; and allow prescription imaging to replace paper retention, subject to applicable federal requirements for controlled substances.

The electronic identification, search, and download requirements may impose acquisition, maintenance, or upgrade costs that disproportionately affect smaller pharmacies and prospective entrants, creating reasonably foreseeable anticompetitive effects subject to La. R.S. 49:260. These requirements bear a reasonable relationship to prescription accountability, inspection, and patient safety. The additional filing and imaging options generally provide flexibility, although any replacement of original controlled-substance prescriptions remains subject to applicable federal retention requirements.

The proposed patient-profile provision also replaces the dispensing pharmacist's reasonable-effort obligation with a requirement that pharmacists ensure record accuracy and omits the existing presumption that patient- or caregiver-supplied information is accurate absent reasonable cause to believe otherwise. This language may impose a broader verification obligation and associated compliance burdens. However, it promotes accurate and safe dispensation of medication or devices to the patient.

The proposed amendments to §1123 generally advance the State's policy of protecting prescription information and regulating pharmacy practice in the public interest and are within the Board's statutory authority. Therefore, the Board may proceed with promulgation in accordance with the APA.

J. Proposed LAC 46:LIII.1124- Records of Pharmacy Services for Patients in Licensed Healthcare Facilities Other than Hospitals

The Board proposes repealing §1124 to remove regulations concerning records of pharmacy services for patients in licensed healthcare facilities other than hospitals.

In its October 23, 2026 response, the Board explains that no services of the kind addressed by this section are currently provided in those facilities. If such services were provided, §§1119, 1121, and 1123 would apply.

[13] La. R.S. 37:1182 (A)(13)
[14] La. R.S. 37:1182(B)(7)

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The Proposed Amendment removes an unnecessary regulation from its rules and does not create new barriers to market entry, restrict competition, reduce consumer choice, or otherwise produce reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260. Accordingly, the Proposed Amendment is not an occupational regulation, and the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

K. Proposed LAC 46:LIII.1203- Automated Medication System Registration

The Board proposes amending §1203 to remove reference to La. R.S. 37:1184 and replace it with a reference to §115 of the rules, which establishes fees for automated medication system registration, and to remove the steps to obtain duplicate or replacement registration.

While licensing and registration fees may function as barriers to market entry by imposing financial barriers on those seeking to entry or remain in a profession, the Proposed Amendment does not have a financial impact on licensees because there is no change to the registration fee.

Accordingly, the Proposed Amendment does not create or modify any licensure, education, supervision, discipline, or professional practice requirements. Therefore, the Proposed Amendment does not constitute an occupational regulation with any reasonably foreseeable anti-competitive effects, and the Board may proceed with amending §1203 without further input from the OLRP in accordance with the Louisiana APA.

L. Proposed LAC 46:LIII.1525- Hospital Off-Site Satellite Pharmacy

The Board proposes amending §1525 to remove reference to La. R.S. 37:1184 and replace it with reference to §115 of the rules for the establishment of fees for the issuance and renewal of off-site satellite hospital pharmacies.

While licensing and registration fees may function as barriers to market entry by imposing financial barriers on those seeking to entry or remain in a profession, the Proposed Amendment does not have a financial impact on licensees because there is no change to the registration fee.

Accordingly, the Proposed Amendment does not create or modify any licensure, education, supervision, discipline, or professional practice requirements. Therefore, the Proposed Amendment does not constitute an occupational regulation with any reasonably foreseeable anti-competitive effects, and the Board may proceed with amending §1525 without further input from the OLRP in accordance with the Louisiana APA.

M. Proposed LAC 46:LIII.1803- Permit Application Procedures

The Board proposes amending §1803(A) and (C)(4) to remove reference to La. R.S. 37:1184 and replace it with reference to §115 for the reinstatement of an expired permit for a correctional center pharmacy. While licensing and registration fees may function as barriers to market entry by imposing financial barriers on those seeking to entry or remain in a profession, the Proposed Amendment does not have a financial impact on licensees because there is no change to the registration fee.

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The Board proposes amending §1803(C)(3) to update the reinstatement process for an expired permit for a correctional center pharmacy through referral to the Board's reinstatement committee for consideration. The current rule permits administrative approval for a lapse below one year, designated-member approval for a lapse above one but below five years, and full Board approval following a hearing for a lapse above five years. Mandatory committee referral replaces those graduated routes.

The Board is authorized to establish requirements for reinstatement of an expired permit[15] and issue and renew permits necessary to engage in the practice of pharmacy.[16] Requiring committee consideration for expired permits may delay resumption of lawful and therefore has reasonably foreseeable anticompetitive effects under La. R.S. 49:260. However, referral for consideration of reinstatement to the Board's reinstatement committee ensures that a pharmacy can safely resume operations.

The OLRP finds that the Proposed Amendments to §1803 are within the Board's statutory authority and adhere to clearly articulated state policy. Therefore, the Board may promulgate this amendment in accordance with the Louisiana APA.

N. Proposed LAC:LIII.1181, 1813, and 1815

The Board proposes repealing §§1811, 1813 and 1815 to remove provisions for emergency drug kits ("***EDK***") from the Board's rules under Chapter 18, Correctional Center Pharmacy.

In its October 23, 2026 response, the Board confirms that existing EDK permits will remain valid and that §§1709, 1711, and 1713 will apply after repeal. Section 1703 includes penal institutions among institutional facilities, and §§1709 and 1711 provide EDK coverage for specified facilities and other Board-approved sites.

While permitting requirements may function as barriers to market participation, the Proposed Amendments do not alter the EDK permit requirements for correctional center pharmacies. Rather, the Proposed Amendments merely streamline the rules by eliminating duplicative language.

Accordingly, the Proposed Amendments do not constitute occupational regulations with any reasonably foreseeable anti-competitive effects because they do not create or modify any licensure, education, supervision, discipline, or professional practice requirements. Therefore, the Board may proceed with repealing §§1811, 1813, and 1815 without further input from the OLRP in accordance with the Louisiana APA.

O. Proposed LAC 46:LIII.2533- Definitions

The Board proposes amending §2533 to remove the definitions for (i) biological safety cabinet, (ii) class 100 environment, and (iii) cytotoxic.

Removing outdated or obsolete terms and phrases does not alter substantive licensing requirements or impose additional barriers to market entry, restrict competition, reduce consumer choice, or

[15] La. R.S. 37:1230(D)
[16] La. R.S. 37:1182(A)(8)

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otherwise produce reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260. Therefore, the Proposed Amendment does not constitute an occupational regulation.

The Board may proceed with promulgation in accordance with the Louisiana APA without further input from the OLRP.

P. Proposed LAC 46:LIII.3005- Permitting Procedures

The Board proposes amending §3005 to remove the steps to obtain duplicate or replacement registration for pharmacy benefit managers. The Board states that credentials are now virtual which means no paper form exists.

Therefore, the Proposed Amendment removes a requirement that has become obsolete and does not create new barriers to market entry, restrict competition, reduce consumer choice, or otherwise produce reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260. Accordingly, the Proposed Amendment is not an occupational regulation, and the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

III. DETERMINATION

The Board is a state regulatory body created by the LPPA 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."[17] The Board is responsible for the control and regulation of the practice of pharmacy[18] and holds the statutory authority to issue and renew licenses, permits, certifications and any other designations necessary.[19]

Because the Proposed Amendment LAC 46: LIII §§507, 909, 1123, and 1803 adhere to clearly articulated state policy and are within the Board's statutory authority, these Amendments are approved as submitted to the Attorney General and may be adopted by the Board, in accordance with the Louisiana APA.

Lastly, the OLRP has determined the Board's Proposed Amendments to LAC 46: LIII. 109, 113, 301, 505, 907, 1103, 1119, 1124, 1203, 1503, 1525, 1811, 1813, 1815, 2533, and 3005 do not constitute occupational regulations with any foreseeable anti-competitive effects. Therefore, the Board may proceed with promulgating these amendments without further input from the OLRP in accordance with the Louisiana APA.

[17] La. R.S. 37:1163, La. R.S. 37:1171
[18] La. R.S. 37:1182
[19] La. R.S. 37:1182(A)(8)

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OCCUPATIONAL LICENSING REVIEW PROGRAM

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