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To: Mr. M. Joseph Fontenot
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From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: September 17, 2026

Subject: Louisiana State Board of Pharmacy
Proposed Amendment to LAC 46:LIII.705
Regulatory Project 2026-07 ~ Pharmacy Interns Professional Experience

I. SUMMARY

The Louisiana State Board of Pharmacy (the “**Board**”) proposes amending LAC 46:LIII.705 (the “**Proposed Amendment**”) to reduce the minimum experience requirement for a pharmacist supervising a pharmacy intern from two years of licensure to one year.

The Board published a Notice of Intent to promulgate the Proposed Amendment on May 20, 2026.¹ The Notice invited written public comments and scheduled a public hearing on this Proposed Amendment on June 26, 2026. The Board received no written or oral public comments.²

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

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.³ An occupational regulation is a “rule defined in the Administrative Procedure Act (“**APA**”) 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.”⁴ Anticompetitive behavior is an act, or series of acts, that have the effect

¹ Louisiana Register, Vol. 52, No. 5, at pgs. 831-833

² Id. at 833

³ LSA-R.S. 49:260 (D)(2)

⁴ LSA-R.S. 49:260 (G)(4)

of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁵

The Louisiana 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.⁶ 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 that the Board's Proposed Amendment to LAC 46:LIII.705 expands market participation and does not have reasonably foreseeable anticompetitive effects. Accordingly, the Proposed Amendment does not constitute an "occupational regulation" as defined by La. R.S. 49:260. Therefore, the Board may proceed with promulgation as drafted in accordance with the Louisiana APA without further input from the OLRP.

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 the public health, safety, and welfare by regulating the practice of pharmacy 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.⁷ The Board is vested with the authority to make rules and regulations necessary to carry out its duties⁸ and establish and enforce compliance with professional standards and rules of conduct of pharmacists engaged in the practice of pharmacy.⁹

A. Proposed LAC 46:LIII.705

The Board proposes amending §705 to reduce the minimum experience requirement for a pharmacist supervising a pharmacy intern from two years to one year.

According to the Board, the Proposed Amendment follows recent changes to §§1105 and 2307, which decreased the minimum experience requirement for a pharmacist to qualify for a Pharmacist-in-Charge privilege from two years to one year. The Board asserts that the same experience requirement would be sufficient for a pharmacist supervising a pharmacy intern.

La. R.S. 37:1164(46) defines a preceptor as an individual who is currently licensed as a pharmacist by the Board, meets certain qualifications as a preceptor as established by the Board, and participates in the instructional training of pharmacy interns.

⁵ Black's Law Dictionary, 12th Edition p. 116

⁶ LSA-R.S. 49:951 (8)

⁷ LSA- R.S. 37:1163

⁸ LSA-R.S. 37:1182 (A)(1)

⁹ LSA-R.S. 37:1182 (A)(9)

The Board has statutory authority to make rules and regulations necessary to carry out its duties¹⁰ and establish and enforce compliance with professional standards and rules of conduct of pharmacists engaged in the practice of pharmacy.¹¹ Further, the Board has the statutory authority to adopt rules and regulations regarding the standards and qualifications for the internship program required to provide the practical experience necessary for licensure as a pharmacist.¹² Accordingly, it is within the Board's statutory authority to establish the experience requirement for a pharmacist supervising pharmacy interns.

Although the existing experience requirement restricts the pool of pharmacists eligible to supervise pharmacy interns, the Proposed Amendment does not impose a new restriction or increase the existing barrier. Rather, it reduces the existing experience requirement and thereby expands the number of pharmacists eligible to supervise pharmacy interns. The Board's Fiscal and Economic Impact Statement similarly concludes that the Proposed Amendment will benefit pharmacies, pharmacists, and pharmacy interns by increasing the number of pharmacists eligible to supervise pharmacy interns.

Accordingly, the Proposed Amendment does not create or increase any reasonably foreseeable anticompetitive effects; rather, it reduces an existing restriction by expanding the number of licensed pharmacists eligible to supervise pharmacy interns. It does not restrict entry into the profession, reduce the number of eligible providers, limit consumer choice, or otherwise increase barriers to market participation. Therefore, the Proposed Amendment does not constitute an occupational regulation as defined by La. R.S. 49:260(G)(4), and the Board may proceed with promulgation in accordance with the Louisiana Administrative Procedure Act without further input from the OLRP.

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.”¹³ The Board is responsible for the control and regulation of the practice of pharmacy.¹⁴

Although the existing two-year experience requirement restricts the pool of pharmacists eligible to supervise pharmacy interns, the Proposed Amendment reduces that restriction by decreasing the required period from two years to one year. The Proposed Amendment therefore expands, rather than restricts, market participation and does not have reasonably foreseeable anticompetitive effects. Accordingly, because the Proposed Amendment is within the Board's statutory authority and does not constitute an “occupational regulation” as defined by La. R.S. 49:260(G)(4), the

¹⁰ LSA-R.S. 37:1182 (A)(1)

¹¹ LSA-R.S. 37:1182 (A)(9)

¹² LSA-R.S. 37:1211

¹³ LSA-R.S. 37:1163, LSA-R.S. 37:1171

¹⁴ LSA-R.S. 37:1182

Board may proceed with promulgation of the Proposed Amendment in accordance with the Louisiana Administrative Procedure Act without further input from the OLRP.

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A handwritten signature in blue ink, appearing to read "Farra Mughal".

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