



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

To: Mr. M. Joseph Fontenot, Jr.
Executive Director
Louisiana State Board of Pharmacy

From: Jessica Weimer
Louisiana Department of Justice
Occupational Licensing Review Program

Date: May 8, 2025

Subject: Louisiana State Board of Pharmacy
Proposed Amendment to LAC 46:LIII.1105
Regulatory Project 2025-01 ~ Pharmacist-in-Charge (PIC) Requirements

I. SUMMARY

The Louisiana State Board of Pharmacy (the “**Board**”) proposes amending LAC 46:LIII.1105 (the “**Proposed Amendment**”), relative to Pharmacist-In-Charge (“**PIC**”) requirements.¹ The Proposed Amendment (i) reduces the minimum experience requirement for a pharmacist to qualify as a PIC from two years to one year of active pharmacy practice, and (ii) expands the responsibility for the supervision, management, and regulatory compliance of the entire prescription department to include both the PIC and the owner of the pharmacy permit.²

The Board published a Notice of Intent to promulgate the Proposed Amendment on January 20, 2025.³ The Notice invited public comments and testimony on this Proposed Amendment on February 26, 2025 and received two letters expressing support for the project.⁴

A pharmacist in charge is 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.”⁵ Licensing and experience requirements are barriers to market competition, as a pharmacist without necessary experience will not qualify for the PIC privilege. Therefore, the Proposed Amendment to §1105 is

¹ 2025-01_1stReport_Pkg_2025-0109.pdf

² Id. at pg. 2

³ Louisiana Register, Vol. 50, No. 7, at pgs. 1052-1054

⁴ Id. at 1054

⁵ LA R.S. 37:1164 (37)

therefore properly considered an occupational regulation with reasonably foreseeable anti-competitive effects.⁶

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 March 5, 2025.⁷ The OLRP invited public comments on the Proposed Amendment March 6 through March 13, 2025 and received no comments. As set forth below, the OLRP has determined the Board's Proposed Amendment to LAC 46: LIII §1105 adheres to clearly articulated state policy and therefore approves this Amendment for adoption as drafted.

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 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.⁸ Specifically, the Board is responsible for the control and regulation of the practice of pharmacy.⁹ It shall adopt the necessary rules and regulations to fulfill the purposes of the LPPA and enforce its provisions,¹⁰ and establish and enforce compliance with the professional standards and rules of conduct applicant to pharmacists engaged in the practice of pharmacy.¹¹

A. Proposed LAC 46:LIII.1105

The Board proposes amending LAC 46:LIII.1105 to reduce the minimum experience required for a pharmacist to qualify as a Pharmacist-in-Charge (PIC) from two years to one year of active pharmacy practice. The Board asserts that a licensed pharmacist lacking sufficient experience would not qualify for the PIC designation, thereby creating a barrier to market competition. This modification is intended to address current challenges in the pharmacy market, where some chain pharmacies are struggling to find pharmacists who are both willing and eligible to serve as PICs. In support of this proposal, the Board reviewed regulations in Texas, Arkansas, Oklahoma, Mississippi, Alabama, and Tennessee, and found that the pharmacy boards in these neighboring states do not impose an experience requirement for PIC eligibility. The Board promulgated the regulation requiring active pharmacy practice to address numerous pharmacy permit violations made by new pharmacist graduates with little to no pharmacy experience. The Pharmacist-in-Charge (PIC) holds ultimate responsibility for the full supervision, management, and compliance of the entire prescription department with all applicable federal and state pharmacy laws and regulations. This includes accountability for

⁶ La. R.S. 49:260 G(4)

⁷ LABP at Regulatory Project 2025-01~ Pharmacist-in-Charge (PIC) Requirements

⁸ LA R.S. 37:1163

⁹ LA R.S. 37:1182 (A)

¹⁰ LA R.S. 37:1182(A)(1)

¹¹ LA R.S. 37:1182(A)(9)

any violations of federal or state laws that occur within the prescription department under the PIC's supervision.¹²

The proposed amendment to reduce the minimum active practice requirement for a pharmacist to qualify as a Pharmacist-in-Charge (PIC) from two years to one year does not present any foreseeable anticompetitive effects. On the contrary, this reduction is likely to have a pro-competitive impact by expanding the pool of eligible pharmacists, increasing labor mobility, and alleviating staffing challenges, particularly in rural or underserved areas and large chains where pharmacies may struggle to recruit qualified individuals for PIC roles. By lowering the threshold for PIC eligibility, the amendment reduces a barrier to entry for pharmacists seeking advancement and may support the opening or continued operation of pharmacies that might otherwise face administrative obstacles due to staffing limitations. Furthermore, this change brings Louisiana's regulation more in line with neighboring states such as Texas, Arkansas, Mississippi, Alabama, and Tennessee, whose pharmacy boards do not impose an experience requirement for PIC eligibility. Aligning with these states enhances regional competitiveness and recruitment flexibility. While public safety considerations remain important, the reduction in required experience, when paired with continued regulatory oversight, is unlikely to compromise compliance or professional standards. Therefore, the proposed amendment is consistent with the goals of promoting competition and reducing unnecessary regulatory burdens.

The Board further proposes amending §1105(C) to add the authority and accountability of the owner of the pharmacy permit to the existing responsibility of the PIC for the complete supervision, management, and compliance with laws and regulations pertaining to the practice of pharmacy of the entire prescription department. This amendment does not present any foreseeable anti-competitive effects. In fact, the amendment may reduce regulatory burdens currently acting as barriers to market participation. Under the existing rule, the PIC bears sole accountability for all aspects of regulatory and statutory compliance, including violations that may occur without their direct involvement. This concentration of liability may discourage qualified pharmacists from accepting PIC positions. By introducing shared responsibility with the pharmacy permit owner, the proposed amendment more equitably distributes legal and operational accountability. This may encourage greater participation in PIC roles and foster a more competitive labor market by reducing liability of the PIC and aligning oversight responsibility with those who have ownership and managerial authority.

The minimum active practice requirement and the accountability of the PIC align with the state's public policy of protecting the health, safety, and welfare of its citizens¹³ by ensuring that pharmacists overseeing operations of a pharmacy possess sufficient experience and competence. The provisions promote regulatory compliance and public trust while reducing barriers to market participation.

¹² LAC 46:LII.1105(C)

¹³ LA R.S. 37: 1162, LA R.S. 37:1163

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.”¹⁴ The Board is responsible for the control and regulation of the practice of pharmacy¹⁵ and holds the statutory authority make necessary rules and regulations to fulfill the purposes of the LPPA, enforce its provisions, and ensure compliance with professional standards and rules of conduct applicable to pharmacists engaged in the practice of pharmacy.¹⁶ Because the proposed rule is within the Board’s statutory authority and the Proposed Amendment to LAC 46:LIII.1105 adheres to clearly articulated state policy, this Amendment is approved as submitted by the Attorney General and may be adopted by the Board.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM



Jessica B. Weimer, OLRP- Section Chief
Public Protection Division
Louisiana Department of Justice
olrp@ag.louisiana.gov

¹⁴ LA R.S. 37:1163, LA R.S. 37:1171

¹⁵ LA R.S. 37:1182

¹⁶ LA R.S. 37:1182 (A)(1) and (A)(9)