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

From: Farra Mughal  
Louisiana Department of Justice  
Occupational Licensing Review Program

Date: August 20, 2025

Subject: Louisiana State Board of Pharmacy  
Proposed Amendment to LAC 46:LIII.905  
Regulatory Project 2025-03 ~ Pharmacy Technician Certificate Qualifications

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## I. SUMMARY

The Louisiana State Board of Pharmacy (the “*Board*”) proposes amending LAC 46:LIII.905 (the “*Proposed Amendment*”), relative to pharmacy technician certification qualifications.<sup>1</sup> The Proposed Amendment removes the practice requirement placed upon a pharmacy technician applicant from another state and recognizes the exception provided by Act 253 of the 2024 Louisiana Legislature known as the Welcome Home Act (the “*Act*”) regarding the examination requirement.

The Board published a Notice of Intent to promulgate the Proposed Amendment on April 20, 2025 2025.<sup>2</sup> The Notice invited public comments and testimony on this Proposed Amendment on May 27, 2025 and received no written or oral public comments.<sup>3</sup>

Licensing and permitting requirements are barriers to market competition and the Proposed Amendment to §905 is therefore properly considered an occupational regulation with reasonably foreseeable anti-competitive effects.<sup>4</sup>

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 17, 2025, The OLRP invited public comments on the Proposed Amendment July 18, 2025 through August 11, 2025 and received no comments. As set forth below, the OLRP has determined the Board’s

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<sup>1</sup> 2025-03\_1stReport\_Pkg\_2025-0409.pdf

<sup>2</sup> Louisiana Register, Vol. 51, No. 4 April 20, 2025, at pgs. 596-597

<sup>3</sup> Id. at 597

<sup>4</sup> La. R.S. 49:260 G(4)

Proposed Amendment to LAC 46: LIII §905 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.<sup>5</sup> Specifically, the Board is responsible for issuing and renewing licenses, permits, and certifications deemed necessary to engage in the practice of pharmacy.<sup>6</sup>

The Board proposes amending LAC 46:LIII.905 to remove the practice requirement placed upon a pharmacy technician applicant from another state and recognizes the exception provided by the Welcome Home Act regarding the examination requirement. Currently, the rule requires the out of state credentialed applicant to have been practicing for at least one year and to have successfully completed a Board-approved pharmacy technician certification examination.

The Act was designed to make it easier for skilled professionals to relocate to Louisiana by requiring the Board to issue a license or certification to an applicant if the person has held a similar license in another state for at least one year and that other state required the applicant to pass an examination, or to meet education, training, or experience standards. The Board has the statutory authority to issue and renew licenses, permits, and certifications deemed necessary to practice pharmacy in the state.<sup>7</sup> The Board indicates that in order to align more with the Act, it has determined it necessary to remove the requirement for the applicant to have been practicing for at least one year as a pharmacy technician and to include the exception to the Board’s examination requirement as provided by the Act. Thus, it is within the Board’s statutory authority to remove the practice requirement and incorporate the Act’s examination exception.

While requirements for licenses, permits, and certifications function as barriers to market entry, the Proposed Amendment would reduce these barriers by removing the requirement for an applicant from out of state to have been practicing for at least one year as pharmacy technician and including the Act’s examination exception.

Further, it is the policy of the state to promote, preserve, and protect public health, safety, and welfare by regulating all persons or sites that sell drugs or devices to consumers and/or patients within the state.<sup>8</sup> The reduction in barriers to market entry increases the likelihood that certified pharmacy technicians would relocate to Louisiana. Thus, the Proposed Amendment also adheres to the public policy of protecting the public health, safety, and welfare by increasing the number of skilled professionals in the state.

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<sup>5</sup> LA R.S. 37:1163

<sup>6</sup> LA R.S. 37:1182 (A)(8)

<sup>7</sup> LA R.S. 37:1182 (A)(8)

<sup>8</sup> LA R.S. 37:1163

Therefore, the OLRP finds that the proposed amendment is within the Board’s statutory authority and adheres to clearly articulated state policy, and therefore the Board may promulgate the rule 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.”<sup>9</sup> The Board is responsible for the control and regulation of the practice of pharmacy<sup>10</sup> and holds the statutory authority to issue and renew licenses, permits, certifications and any other designations necessary.<sup>11</sup> Because the proposed rule is within the Board’s statutory authority and the Proposed Amendment to LAC 46:LIII.905 adheres to clearly articulated state policy, this Amendment is approved as submitted to the Attorney General and may be adopted by the Board.

OFFICE OF THE ATTORNEY GENERAL  
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<sup>9</sup> LA R.S. 37:1163, LA R.S. 37:1171

<sup>10</sup> LA R.S. 37:1182

<sup>11</sup> LA R.S. 37:1182 (A)(8)