
The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy Wells.

SB 70 Reengrossed

DIGEST
2017 Regular Session

Donahue

Present law provides that the term "drug" includes all substances and preparations recognized in the official compendium and intended for use in the diagnosis, treatment, or prevention of disease in man or beast, and all substances and preparations, other than food and cosmetics, intended to affect the structure or any function of the body.

Proposed law retains present law.

Present law provides that a drug or device is considered misbranded if it has been found to be misbranded by any department of the U.S. government, or if, among other things:

- (1) Its labeling is false or misleading in any particular. Any representation concerning any effect of a drug or device is considered false for purposes of present law if the representation is not supported by demonstrable scientific facts or substantial and reliable medical or scientific opinion.
- (2) It is dangerous to health under the conditions of use prescribed in the labeling or advertising thereof.
- (3) It is a drug and its container is so made, formed, or filled as to mislead the purchaser.

Proposed law retains present law.

Present law prohibits, among others, the following acts relative to drugs:

- (1) The introduction or delivery for introduction into commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.
- (2) The adulteration, or misbranding, of any food, drug, device, or cosmetic in commerce.
- (3) The possession in any place where sales or service is made to the public of any food, drug, device or cosmetic that is adulterated or misbranded.

Proposed law retains present law.

Present law provides that whoever violates any provision of present law relative to the misbranding or adulteration of any drug is to be fined, for the first offense, up to \$1,000, imprisoned for up to one year, or both. Present law provides that for the second or subsequent offense, the person is to be

fined up to \$3,000, or imprisoned for up to two years, or both. Present law further provides that any person who violates the provisions of present law relative to the false or misleading advertising of a drug is to be fined up to \$1,000 for each violation if the violation does not involve gross deception or imminent danger to health, and is established by opinion evidence only.

Proposed law retains present law and adds that any person who violates present law relative to misbranding or adulteration of any drug with the intent to defraud or mislead is to be imprisoned, with or without hard labor, for up to five years, or fined up to \$10,000, or both.

Effective August 1, 2017.

(Amends R.S. 40:639; adds R.S. 40:971.3)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical corrections.