SLS 20RS-546 ORIGINAL

2020 Regular Session

SENATE BILL NO. 371

BY SENATOR CARTER

1

HEALTH CARE. Provides relative to opioid prescriptions. (gov sig)

2	To amend and reenact R.S. 40:978(E)(1), (G)(1)(a) and (3), and the introductory paragraph
3	of R.S. 40:978(H)(1), and to enact R.S. 40:978(E)(4), (G)(4), (H)(1)(c), and (I),
4	relative to opioid prescriptions; to provide for limits on the number of opioids that
5	may be dispensed when the prescriber is not licensed by the state of Louisiana; to
6	provide for limits of the number of opioids that can be dispensed to first-time
7	patients; to provide for application to opioid naive patients; to provide for a
8	definition of opioid naive; to provide for an effective date; prescribers of controlled
9	dangerous substances; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 40:978(E)(1), (G)(1)(a) and (3), and the introductory paragraph of
12	R.S. 40:978(H)(1) are hereby amended and reenacted and R.S. 40:978(E)(4), (G)(4),
13	(H)(1)(c), and (I) are hereby enacted to read as follows:
14	§978. Prescriptions
15	* * *
16	E.(1) The Unless a patient is opioid naive as otherwise provided in this
17	Section, the pharmacist shall not dispense more than a ten-day supply at a dosage

AN ACT

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1	not to exceed the United States Food and Drug Administration's approved labeling
2	for the medication if the prescriber for such medication is not licensed by the state
3	of Louisiana, and the medication is an opioid derivative Schedule II or an opioid
4	derivative Schedule III controlled dangerous substance. The dispensing pharmacist
5	shall notify the prescriber of the supply dispensed and the cancellation of the
6	remainder of the prescription.
7	* * *
8	(4)(a) The pharmacist shall not dispense more than a seven-day supply
9	to an opioid naive patient at a dosage not to exceed the United States Food and
10	Drug Administration's approved labeling for the medication if the prescriber
11	for such medication is not licensed by the state of Louisiana, and the medication
12	is an opioid derivative Schedule II or an opioid derivative Schedule III
13	controlled dangerous substance. The dispensing pharmacist shall notify the
14	prescriber of the supply dispensed and the cancellation of the remainder of the
15	prescription.
16	(b) Within sixty days of the dispensing of a medication pursuant to
17	Paragraph (1) of this Subsection, such a medication shall not be dispensed again
18	for the individual by a prescriber not licensed by the state of Louisiana.
19	(c) The provisions of this Subsection shall not apply if the prescriber
20	includes on the prescription a diagnosis of cancer or terminal illness.
21	* * *
22	G.(1)(a) Except as provided in Paragraph (2) of this Subsection, when issuing
23	a first-time opioid prescription for outpatient use to an adult patient with an acute
24	condition, or to an opioid naive patient, a medical practitioner shall not issue a
25	prescription for more than a seven-day supply.
26	* * *
27	(3)(a) The pharmacist shall not dispense more than a seven-day supply
28	of medication to an opioid naive patient at a dosage not to exceed the United

States Food and Drug Administration's approved labeling for the medication

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1	if the medication is an opioid derivative Schedule II or an opioid derivative
2	Schedule III controlled dangerous substance. The dispensing pharmacist shall
3	notify the prescriber of the supply dispensed.
4	(b) The medication shall not be dispensed again for an opioid naive
5	patient within sixty days of the dispensing of the medication.
6	(c) The provisions of this Subsection shall not apply if the prescriber
7	includes on the prescription a diagnosis of cancer or terminal illness.
8	(4) This Subsection shall not apply to medications designed for the treatment
9	of substance abuse or opioid dependence.
10	H.(1) Prior to issuing a prescription for an opioid, a medical practitioner shall
11	do both of the following:
12	* * *
13	(c) Determine whether the patient is opioid naive by reviewing the
14	patient's record in the prescription monitoring program.
15	* * *
16	I. For purposes of this Section, "opioid naive" shall mean a patient who
17	has not taken an opioid prescription medication within sixty days.

SB 371 Original

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

> **DIGEST** 2020 Regular Session

Carter

Present law provides that a pharmacist shall not dispense more than a 10-day supply of an opioid derivative Schedule II or Schedule III controlled dangerous substance when the prescriber is not licensed by the state of Louisiana. Proposed law retains present law and adds a prohibition on the pharmacist dispensing more than a seven-day supply to an opioid naive patient. Proposed law defines "opioid naive" as a patient who has not taken an opioid prescription medication within sixty days. Proposed law relative to prescribers not licensed by the state of Louisiana does not apply to patients with a diagnosis of cancer or terminal

Present law prohibits more than a seven-day supply of a first-time opioid prescription for outpatient use to an adult with an acute condition. Proposed law retains present law and adds the prohibition to patients that are opioid naive. Proposed law relative to first-time opioid prescriptions does not apply to patients with a diagnosis of cancer or terminal illness.

Proposed law requires a prescriber to consult with a patient regarding the quantity of opioid prescribed and the risks associated with the opioid prescription. Proposed law retains present law and adds a requirement that the prescriber determine whether the patient is opioid naive

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

by reviewing the patient's record in the prescription monitoring program.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40.978(E)(1), (G)(1)(a) and (3), and (H)(1)(intro para); adds R.S. 40.978(E)(4), (G)(4), (H)(1)(c), and (I))