
DIGEST

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HB 815 Engrossed

2024 Regular Session

Billings

Abstract: Requires the La. Dept. of Health (LDH) to ensure that all descriptive advertising and promotional material relating to drugs, pharmaceuticals, medical devices, or vaccinations follow certain federal laws and rules.

Proposed law requires LDH to ensure that all descriptive advertising and promotional material relating to drugs, pharmaceuticals, medical devices, or vaccinations follow certain federal laws and rules.

Proposed law provides that the federal rules and regulations relative to commercial advertisement shall apply.

Proposed law provides that notice of noncompliance shall be given to the manufacturer of the drug, pharmaceutical, medical device, or vaccine-related advertisement or promotional material within 30 days of such noncompliant advertisements or promotional material or within thirty days of the determination of noncompliance.

Proposed law requires the manufacturer to remedy its noncompliance within 30 days of receiving notice.

Proposed law provides that if, after notice has been received and the 30-day period has lapsed, the drug, pharmaceutical, medical device, or vaccine-related advertisement or promotional material shall be subject to immediate removal from display or distribution by LDH if it continues to be noncompliant.

Proposed law requires LDH to produce only advertisements and promotional materials that comply with the provisions of proposed law and federal regulations.

(Adds R.S. 40:1176.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Change references from "medical treatment" to "medical device".

2. Change references from "publication or broadcast" to "display or distribution by LDH".
3. Remove proposed law provision that requires LDH to utilize existing staff to implement proposed law.
4. Require all descriptive advertising and promotional material relating to drugs, pharmaceuticals, medical devices, or vaccinations to comply with the Federal Food, Drug, and Cosmetic Act.
5. Provide that notice of noncompliance shall be given to the manufacturer of the drug, pharmaceutical, medical device, or vaccine-related advertisement or promotional material within 30 days of the noncompliant advertisements or promotional material or within 30 days of the determination of noncompliance.
6. Make technical corrections.