

2018 Regular Session

SENATE BILL NO. 189

BY SENATOR LAFLEUR

PHARMACEUTICALS. Provides relative to electronic prescribing of noncontrolled legend drugs. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 37:1701, relative to electronic prescribing of noncontrolled  
3 legend drugs; to provide for minimum data; to provide for transmittal to a pharmacy;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:1701 is hereby amended and reenacted to read as follows:

7 §1701. Prescription; **electronic prescribing**; name of patient and prescription

8 A. Each physician, surgeon, optometrist, medical psychologist, **advanced**  
9 **practice registered nurse, physician assistant**, and dentist upon writing a  
10 prescription shall write the name of the patient and the trade name, or the generic  
11 name, or the most commonly used name on the prescription issued.

12 B. **The following requirements shall apply to any prescription for**  
13 **noncontrolled legend drugs transmitted by electronic means:**

14 **(1) The prescription must include the patient's name and address, the**  
15 **drug prescribed, strength per dosage unit, directions for use, and the name of**  
16 **the prescriber or authorized agent.**

17 **(2) The prescription may be transmitted directly to the pharmacy or**

1 transmitted over an electronic prescription network approved by the board. All  
2 electronic transmissions shall ensure appropriate security and authenticity to  
3 include the following:

4 (a) An electronic signature process enabling the pharmacy to ensure the  
5 identity of the prescriber.

6 (b) A date and time stamp.

7 (c) A transmitting system identifier.

8 (d) A prescriber internal sender identification.

9 (e) A pharmacy internal receiver identification.

10 (3) Any pharmacy receiving a prescription shall comply with all  
11 requirements for record keeping and prescription information mandated by the  
12 board, except that for the purpose of the substitution of drugs or brands of  
13 drugs, a prescription transmitted by electronic means shall not be considered  
14 a written prescription.

15 (4) Prescriptions for controlled substances, whether scheduled pursuant  
16 to state or federal law shall not be authorized until the United States Drug  
17 Enforcement Agency has adopted applicable regulations, at which time all  
18 prescriptions for controlled substances must comply with the provisions of any  
19 such regulation.

20 C. No ~~druggist~~, pharmacist, or dispensing physician shall fill any prescription  
21 unless the name of the patient and the trade name, or the generic name, or the most  
22 commonly used name of the prescription appears on the label, unless otherwise  
23 specified by the physician, surgeon, optometrist, medical psychologist, or dentist.

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

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Present law provides for the information required on written prescriptions. Proposed law  
retains present law and provides for electronic prescriptions for noncontrolled legend drugs  
and the information required to ensure security and authenticity of an electronic prescription.

SLS 18RS-527

**ORIGINAL**  
SB NO. 189

Effective August 1, 2018.

(Amends R.S. 37:1701)