

2022 Regular Session

HOUSE BILL NO. 117

BY REPRESENTATIVE ECHOLS

DRUGS/PRESCRIPTION: Provides relative to prescribing, administering, and dispensing of drugs for off-label use

1 AN ACT

2 To enact R.S. 37:1704, relative to prescribing, administering, and dispensing of drugs by
3 certain licensed healthcare professionals; to provide for prescription, administration,
4 and dispensing of certain drugs for off-label use by healthcare professionals with
5 prescriptive authority; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1704 is hereby enacted to read as follows:

8 §1704. Prescription, administration, and dispensing of FDA-approved drugs for
9 off-label use

10 A. As used in this Section, the following terms have the meaning ascribed
11 in this Subsection:

12 (1) "FDA" means the United States Food and Drug Administration.

13 (2) "Off-label use" means the use of a prescription drug for an indication for
14 which it has not been approved by the FDA or the use of such drug in an age group,
15 dosage, or route of administration that has not been approved by the FDA.

16 B. Neither the Louisiana Department of Health nor any licensing board or
17 commission created by the provisions of this Title shall prohibit or restrict the
18 prescribing, administering, or dispensing for an off-label use of a drug that has been
19 approved for a specific use by the FDA.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 117 Engrossed

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Abstract: Provides that neither the state health agency nor any healthcare professional licensing board of the state shall prohibit or restrict the prescribing, administering, or dispensing of drugs for off-label use.

Present law provides for licensure and regulation by the state of various types of healthcare professionals.

Proposed law retains present law and stipulates that neither the La. Dept. of Health nor any healthcare professional licensing board or commission shall prohibit or restrict the prescribing, administering, or dispensing for an off-label use a drug that has been approved for a specific use by the U.S. Food and Drug Administration (FDA).

Proposed law defines "off-label use", for purposes of proposed law, as the use of a prescription drug for an indication for which it has not been approved by the FDA or the use of such drug in an age group, dosage, or route of administration that has not been approved by the FDA.

(Adds R.S. 37:1704)

Summary of Amendments Adopted by House

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

1. Delete proposed law prohibiting certain actions against healthcare professionals by licensing boards and commissions in connection with the prescription, administration, and dispensing of drugs for off-label use.
2. Delete proposed law prohibiting certain actions against healthcare professionals by hospitals in connection with the prescription, administration, and dispensing of drugs for off-label use.
3. Provide that neither the La. Dept. of Health nor any healthcare professional licensing board or commission shall prohibit or restrict the prescribing, administering, or dispensing for an off-label use a drug that has been approved for a specific use by the FDA.
4. Make technical changes.