

Regular Session, 2011

SENATE BILL NO. 205

BY SENATOR GUILLORY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Provides relative to the reuse of medication returned from a correctional facility.(gov sig)

AN ACT

To enact R.S. 37:1226.3, relative to the prescription drugs; to provide relative to charitable pharmacies; to provide for exchanges and re-dispensing in pharmacies under the authority of the Department of Public Safety and Corrections; to provide for limitation of liability; to provide for the authority to promulgate rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1226.3 is hereby enacted to read as follows:

§1226.3. Prescription drugs, returns, exchanges and re-dispensing in pharmacies operated by or under contract with the Department of Public Safety and Corrections; authority to promulgate rules.

A. All drugs dispensed on prescription to an offender in the custody of the Department of Public Safety and Corrections shall be accepted for return, exchange or re-dispensing by a pharmacy operated by or under contract with the department.

B. The pharmacist in charge of the pharmacy shall determine that the returned drug is not adulterated or misbranded and is safe to dispense. No

1 product shall be re-dispensed by the pharmacist if the integrity of the
2 medication cannot be assured.

3 C. No pharmaceutical manufacturer shall be liable for any claim or
4 injury arising from the re-dispensing of any prescription drug pursuant to the
5 provisions of this Section, including but not limited to liability for failure to
6 transfer or communicate product or consumer information regarding the re-
7 dispensed drug, as well as the expiration date of the re-dispensed drug.

8 D. The Louisiana Board of Pharmacy shall have the authority to
9 promulgate rules in accordance with the Administrative Procedure Act for the
10 purpose of administering the provisions of this Section.

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

The original instrument was prepared by Bobbie Hunter. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Michelle Broussard-Johnson.

DIGEST

Guillory (SB 205)

Present law applies exemptions to drugs that are donated to pharmacies from penal
institution pharmacies.

Proposed law removes the exemption of penal institutions and provides that all drugs
dispensed on prescription to an offender in the custody of DPS&C shall be accepted for
return, exchange or re-dispensing by a pharmacy operated by, or under contract with the
department.

Proposed law requires that the pharmacist in charge of the pharmacy shall determine if the
drug is not adulterated or misbranded and is safe to dispense. No product where integrity
cannot be assured shall be accepted for re-dispensing by the pharmacist of the charitable
pharmacy.

Proposed law provides that no pharmaceutical manufacturer shall be liable for any claim or
injury arising from the re-dispensing of any prescription drug pursuant to the provisions of
proposed law.

Proposed law authorizes the La. Board of Pharmacy to promulgate rules and regulations.

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

(Adds R.S. 37:1226.3)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to
the original bill.

1. Removes reference to charitable pharmacies.

Senate Floor Amendments to engrossed bill.

1. Provides for the limitation of liability.