

SENATE BILL NO. 205

BY SENATOR GUILLORY

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

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 **§1226.3. Prescription drugs, returns, exchanges and re-dispensing in**
9 **pharmacies operated by or under contract with the Department**
10 **of Public Safety and Corrections; authority to promulgate rules.**

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

15 **B. The pharmacist in charge of the pharmacy shall determine that the**
16 **returned drug is not adulterated, expired, or misbranded and is safe to dispense.**
17 **No product shall be re-dispensed by the pharmacist if the integrity of the**
18 **medication cannot be assured.**

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

24 **D. The Louisiana Board of Pharmacy shall have the authority to**
25 **promulgate rules in accordance with the Administrative Procedure Act for the**
26 **purpose of administering the provisions of this Section.**

27 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____