

Regular Session, 2014

SENATE BILL NO. 496

BY SENATOR HEITMEIER

CONTROL DANGER SUBSTANCE. Provides for limits on certain prescriptions. (gov sig)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 40:978(A) and to enact R.S. 40:978(E) and (F), relative to prescriptions; to provide for the prohibition of dispensing certain controlled substances; to provide for accessing the Prescription Monitoring Program in certain situations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:978(A) is hereby amended and reenacted, and R.S. 40:978(E) and (F) are hereby enacted to read as follows:

§978. Prescriptions

A. Except when dispensed or administered directly by a medical practitioner or administered by a person authorized to administer by such practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in Schedule II, which is a prescription drug as determined under the Louisiana Revised Statutes, of 1950, may be dispensed or administered without either the written prescription of a practitioner, or an electronic prescription order as provided by federal law or regulation, except that in emergency situations, as prescribed by the department by regulation, such drug may be dispensed or administered upon oral

1 prescription reduced promptly to writing and filed by the pharmacist. Prescriptions
 2 shall be retained in conformity with the requirements of R.S. 40:976. No prescription
 3 for a Schedule II substance may be refilled **nor may such prescription be filled**
 4 **more than ninety days after the date of the prescription.**

5 * * *

6 **E. A pharmacist shall not dispense any Schedule II controlled dangerous**
 7 **substance based upon a prescription of a prescriber who is not licensed by the**
 8 **state of Louisiana.**

9 **F. A prescriber shall access the Prescription Monitoring Program prior**
 10 **to initially prescribing any Schedule II controlled dangerous substance to a**
 11 **patient for the treatment of non-cancer-related chronic or intractable pain.**

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Heitmeier (SB 496)

Present law provides no prescription for a Schedule II substance may be refilled.

Proposed law provides a Schedule II prescription may not be filled more than 90 days after
 the date of the prescription.

Proposed law provides a pharmacist shall not dispense any Schedule II controlled dangerous
 substance upon a prescription of a prescriber who is not licensed by the state of Louisiana.

Proposed law provides a prescriber shall access the Prescription Monitoring Program prior
 to initially prescribing any Schedule II controlled dangerous substance to a patient for the
 treatment of non-cancer-related chronic or intractable pain.

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

(Amends R.S. 40:978(A); adds R.S. 40:978(E) and (F))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Deletes the provisions prohibiting prescription for any controlled substance being issued for more than 120 dosage units or a 30-day supply of the maximum total daily dosage and the provision prohibiting more than three controlled substance prescriptions issued for a patient by a licensed practitioner during the same 30-day period.
2. Provides a pharmacist not dispense any Schedule II controlled dangerous substance upon a prescription of a prescriber who is not licensed by the state of Louisiana and a prescriber access the Prescription Monitoring Program prior to initially prescribing any Schedule II controlled dangerous substance to a patient for the treatment of non-cancer-related chronic or intractable pain.