

Regular Session, 2014

SENATE BILL NO. 496

BY SENATOR HEITMEIER

CONTROL DANGER SUBSTANCE. Provides for limits on certain prescriptions. (8/1/14)

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

9 §978. Prescriptions

10 A. Except when dispensed or administered directly by a medical practitioner  
11 or administered by a person authorized to administer by such practitioner, other than  
12 a pharmacist, to an ultimate user, no controlled dangerous substance included in  
13 Schedule II, which is a prescription drug as determined under the Louisiana Revised  
14 Statutes, of 1950, may be dispensed or administered without either the written  
15 prescription of a practitioner, or an electronic prescription order as provided by  
16 federal law or regulation, except that in emergency situations, as prescribed by the  
17 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.(1) The pharmacist shall not dispense more than a ten-day supply at**  
 7 **a dosage not to exceed the United States Food and Drug Administration's**  
 8 **approved labeling for the medication if the prescriber for such medication is not**  
 9 **licensed by the state of Louisiana, and the medication is a Schedule II controlled**  
 10 **dangerous substance. The dispensing pharmacist shall notify the prescriber of**  
 11 **the supply dispensed and the cancellation of the remainder of the prescription.**

12 **(2) Within ninety days of the dispensing of a medication pursuant to**  
 13 **Paragraph (E)(1) of this Section, such a medication shall not be dispensed again**  
 14 **for the individual by a prescriber not licensed by the state of Louisiana.**

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

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

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#### 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 not dispense more than a ten-day supply at a dosage not  
 to exceed the United States Food and Drug Administration's approved labeling for the  
 medication if the prescriber is not licensed by the state of Louisiana, and the medication is  
 a Schedule II controlled dangerous substance. Furthermore, the dispensing pharmacist shall  
 notify the prescriber of the supply dispensed and the cancellation of the remainder of the  
 prescription.

Proposed law provides within 90 days of the dispensing of a medication pursuant to  
proposed law, such medication shall not be dispensed again for the individual by a prescriber  
 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 August 1, 2014.

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

Summary of Amendments Adopted by Senate

Committee 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.

Senate Floor Amendments to engrossed bill

1. Replaces the provision providing 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. Provides a provision providing a pharmacist not dispense more than a ten-day supply at a dosage not to exceed the United States Food and Drug Administration's approved labeling for the medication if the prescriber is not licensed by the state of Louisiana, and the medication is a Schedule II controlled dangerous substance.