2016 Regular Session

HOUSE BILL NO. 671

BY REPRESENTATIVE MORENO

DRUGS/PRESCRIPTION: Provides relative to redispensing of drugs in correctional facility pharmacies

1	AN ACT
2	To amend and reenact R.S. 37:1226.3(A) and (B), relative to prescription drug returns; to
3	provide for the return of prescription drugs dispensed to offenders in the custody of
4	a local law enforcement office or department; to provide for the redispensing of the
5	returned drugs; to prohibit redispensing of certain drugs; and to provide for related
6	matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 37:1226.3(A) and (B) are hereby amended and reenacted to read as
9	follows:
10	§1226.3. Prescription drugs; returns, exchanges, and redispensing in pharmacies
11	serving certain correctional facilities operated by or under contract with the
12	Department of Public Safety and Corrections; authority to promulgate rules
13	A. All Except as provided in Subsection B of this Section, all drugs
14	dispensed on prescription to an offender in the custody of the Department of Public
15	Safety and Corrections, or in the custody of a local law enforcement office or
16	department, shall may be accepted for return, exchange, or redispensing by a
17	pharmacy operated by or under contract with the department or by a pharmacy that
18	provides prescriptions to a local law enforcement office or department.

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	B. The pharmacist in charge of the pharmacy shall determine that the
2	returned drug is not adulterated, expired, or misbranded and is safe to dispense. No
3	product shall be redispensed by the pharmacist if the integrity of the medication
4	cannot be assured. A drug that can be dispensed only to a patient registered with the
5	drug's manufacturer in accordance with federal Food and Drug Administration
6	requirements shall not be accepted or redispensed under the provisions of the
7	program provided for in this Section.
8	* * *

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 671 Reengrossed 2016 Regular Session

Moreno

Abstract: Allows certain prescription drugs that were dispensed to persons in custody of a local law enforcement agency to be returned, exchanged, and redispensed.

<u>Present law</u> requires that drugs dispensed for use by an offender in the custody of the Dept. of Public Safety and Corrections be accepted for return, exchange, and redispensing.

<u>Present law</u> provides that the pharmacist in charge shall determine that the prescription is unmolested, unexpired, and fit to be redispensed.

<u>Present law</u> releases the pharmaceutical manufacturer from liability for any claim or injury arising from the redispensing of any prescription drug.

<u>Proposed law</u> retains <u>present law</u>, and extends the law to include prescriptions dispensed for use by offenders in the custody of local law enforcement offices or departments.

<u>Proposed law</u> creates an exception to <u>present law</u> and <u>proposed law</u>, which exception stipulates that a drug that can be dispensed only to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements shall not be accepted or redispensed by the correctional facility pharmacy program provided for in <u>present law</u> and <u>proposed law</u>.

(Amends R.S. 37:1226.3(A) and (B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Health and Welfare</u> to the <u>original</u> bill:

1. Revise provisions of <u>present law</u> and <u>proposed law</u> requiring that all drugs dispensed on prescription to offenders in the custody of the Dept. of Public Safety and Corrections (DPS&C), or a local law enforcement office or department, be accepted for return, exchange, or redispensing to provide instead that acceptance of such drugs is permissive rather than mandatory.

Page 2 of 3

- 2. Revise <u>proposed law</u> authorizing pharmacies operated by or under contract with DPS&C, or with a local law enforcement office or department, to accept certain drugs for return, exchange, or redispensing to provide instead that pharmacies that provide prescriptions to these correctional facilities are authorized to accept drugs for such purposes.
- 3. Stipulate that a drug which can only be dispensed to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements may not be accepted or distributed under the provisions of the program provided for in present law and proposed law.
- 4. Make technical changes.

The House Floor Amendments to the engrossed bill:

- 1. Revise <u>proposed law</u> stipulating that certain drugs may not be accepted or distributed by the program provided for in <u>present law</u> and <u>proposed law</u> to provide instead that such drugs shall not be accepted or redispensed by the program.
- 2. Make grammatical changes.