



# Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808-2537

[www.labp.com](http://www.labp.com)



## BULLETIN No. 09-02

To: Pharmacies, Pharmacists, Pharmacy Interns, Pharmacy Technicians,  
Physicians, Dentists, Veterinarians, Advanced Practice Registered Nurses,  
Optometrists, Physician Assistants, Podiatrists, Medical Psychologists, &  
Distributors

From: Malcolm J. Broussard  
Executive Director

Date: July 25, 2009

Re: New Laws – New Controlled Substances

---

The 2009 Louisiana Legislature passed two bills that will add certain existing drugs to the state's list of controlled substances. The effective date for both new laws is **August 15, 2009**.

### **Act 165 (HB 399)**

This law places carisoprodol products (with the exception of the combination product with codeine) in Schedule IV of the Louisiana Uniform Controlled Substances Law. The combination product with codeine is already listed in Schedule III. The distribution, prescribing and dispensing of carisoprodol products (except the codeine combination product) shall adhere to the usual requirements applicable to Schedule IV controlled substances.

- For those distributors, dispensers and practitioners in possession of carisoprodol stock on August 15, a complete inventory of such stock shall be conducted to establish an opening inventory level. The inventory record shall be stored with other controlled substance records. Effective August 15, 2009, your continued possession, distribution, prescribing, and dispensing of these products shall require a current Louisiana CDS license.
- New prescriptions issued for carisoprodol on or after August 15 shall comply with the usual limitations applicable to Schedule IV products: may be issued orally, or in written form, or may be faxed – but no electronic signatures; prescription expires six months after the date of issue; up to five refills may be authorized on the original prescription, no refills dispensed more than six months after the date of issue. Multiple partial fills are permitted, provided the total quantity dispensed does not exceed the total quantity authorized, and none are dispensed more than six months after the prescription was issued.
- Refills remaining on existing prescriptions issued prior to August 15 shall comply with the limitations applicable to Schedule IV products: the first five refills may be taken within the six months after the date of issue. Even if more than five refills were authorized on the original prescription issued prior to August 15, no refills shall be dispensed more than six months after the date the prescription was issued.
- Since carisoprodol products are not classified as controlled substances on the federal level, but will be on the state level, pharmacies and other dispensers should consult their electronic recordkeeping software vendors to ensure the correct coding of these products to facilitate the reporting of the dispensing transactions to the Louisiana Prescription Monitoring Program.

### **Act 314 (HB 890)**

This law places *all* products (prescription and non-prescription) containing any quantity of ephedrine, pseudoephedrine and phenylpropanolamine in Schedule V of the Louisiana Uniform Controlled Substances Law. Further, the wholesale purchase and retail sale of these products shall require a Louisiana CDS license. With the exception of practitioners in possession of prescriptive and dispensing authority, the sale of these products shall be

limited to pharmacies licensed by the Board of Pharmacy which possess a Louisiana CDS license. Transactions for these products listed in Schedule V shall be exempt from the reporting requirements to the Prescription Monitoring Program; however, they shall be reported to the Louisiana State Police when that program is funded and functional.

#### *Distributors*

- Effective August 15, 2009, your possession of these products shall require a current Louisiana CDS license, with the exception of those distributors not located within Louisiana.
- With respect to the nonprescription products containing any quantity of these three drugs which are not listed in another schedule, distributors shall be exempt from the storage, reporting, recordkeeping, and physical security requirements for controlled substances.
- Effective August 15, 2009, the sale of any of these products (prescription or non-prescription) to any address in Louisiana shall require the purchaser to demonstrate the possession of a current Louisiana CDS license.

#### *Pharmacies*

- Effective August 15, 2009, your possession and further wholesale acquisition of these products shall require a current Louisiana CDS license, with the exception of those pharmacies not located within Louisiana.
- With respect to the nonprescription products containing any quantity of these three drugs which are not listed in another schedule, pharmacies shall be exempt from the storage, reporting, recordkeeping, and physical security requirements for controlled substances; provided, however, you shall comply with the sales log requirements currently in existence as well as the reporting requirement to the Louisiana State Police when their program is funded and functional.
- Effective August 15, 2009, the retail sale of a nonprescription product containing any quantity of these three drugs shall require the following: (i) Purchaser shall produce a federal or state issued photo identification; (ii) Purchaser shall sign a written or electronic log or receipt showing the date of the transaction, the name of the purchaser, and the amount of product purchased; (iii) Pharmacy shall not sell more than nine grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base to the same purchaser within any thirty day period; (iv) Pharmacy shall record the transaction and report it to the Louisiana State Police when their program is funded and functional
- With the exception of the requirements listed above, pharmacies are exempt from the recordkeeping provisions associated with non-prescription products listed in Schedule V, as provided in §2747.D of the Board's rules.
- The provisions of this new law shall not be construed to require any pharmacy to maintain the transaction records required under this law separate from the log book already required by the federal Combat Meth Act. Use of the Louisiana State Police monitoring system shall be deemed to satisfy both of these purposes.
- Since these products are not classified as controlled substances on the federal level, but will be on the state level, pharmacies and other dispensers should consult their electronic recordkeeping software vendors to ensure the correct coding of these products to facilitate the reporting of the dispensing transactions to the Louisiana Prescription Monitoring Program. Note the reporting requirement would only apply to prescriptions dispensed for any of these products.

#### *Practitioners*

- Effective August 15, 2009, your possession and further wholesale acquisition of these products shall require a current Louisiana CDS license.
- Effective August 15, 2009, your issuance of a prescription for any of these products shall require a current Louisiana CDS license.
- Practitioners with dispensing authority shall be exempt from the recordkeeping and reporting requirements of this law in dispensing any of their prescriptions for any of these products; however, should the quantity dispensed exceed a 48-hour supply, that transaction will be reportable to the Louisiana Prescription Monitoring Program.
- Practitioners electing to engage in retail sales of non-prescription products for these drugs shall be required to comply with the recordkeeping provisions of the federal Combat Meth Act.