



# Louisiana Board of Pharmacy

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## BULLETIN No. 14-04

To: All pharmacies, pharmacists, pharmacy interns, pharmacy technicians, and candidates  
From: Malcolm J Broussard, Executive Director  
Date: July 15, 2014  
Re: New State Laws Affecting Pharmacy Practice

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The 2014 Louisiana Legislature adopted several laws that will impact pharmacy practice within the State of Louisiana. A summary of the new requirements is presented here.

NOTE: If you handle controlled substances, please read *Bulletin No. 14-03* for new state and federal requirements for certain controlled substances. All of our Bulletins are available on the Board's website at [www.pharmacy.la.gov](http://www.pharmacy.la.gov), in the *Public Library* section.

### **Act 176 (HB 514) – effective August 1, 2014**

This law inserted a new provision in the Louisiana Controlled Substances Act that places a restriction on the sale and purchase of nonprescription products containing any quantity of dextromethorphan, its salts or optical isomers, or salts of optical isomers. Although the new provision was placed within the controlled substances law, dextromethorphan was not placed in the schedules of controlled substances. Therefore, it is still not a controlled substance.

- The law prohibits the purchase, or attempted purchase, of nonprescription products containing dextromethorphan by anyone under the age of 18. The law includes the amount of the fines for the first and subsequent offenses of persons convicted of this crime.
- The law prohibits the sale of nonprescription products containing dextromethorphan to anyone under the age of 18. The law includes the amount of the fines for the first and subsequent offenses of persons convicted of this crime.
- The law requires the purchaser to produce a valid and current form of photo identification issued by the State of Louisiana, another state, or the U.S. government. The form of identification shall, on its face, establish the age of the person as 18 years or older and there must be no reason to doubt the authenticity or accuracy of the information. No form of identification shall be accepted as proof of age if it is expired, defaced, mutilated, or altered. Further, if the identification submitted is a duplicate, the person shall submit additional information which contains the name, date of birth, and photograph of the person.
- The law contains an exemption from the provisions of this law for the sale of dextromethorphan dispensed pursuant to a valid prescription from a licensed practitioner with prescriptive authority.
- The law supersedes and preempts any local ordinances on the same topic, in an effort to achieve consistency of the legal requirements across the entire state.

### **Act 769 (SB 600) – effective August 1, 2014**

This law amended the Louisiana Pharmacy Practice Act, in particular the section relative to the authority of qualified pharmacists to administer certain immunizations without prescriptions or medical orders. You may recall the 2010 Legislature adopted a law (R.S. 37:1218) that authorized qualified pharmacists to administer influenza immunizations without a prescription or medical order to any person

seven years of age or older. That law requires the pharmacist to obtain and maintain the appropriate credential (Medication Administration Registration) from the Board and it also dictates certain reporting and recordkeeping requirements. You may also recall the 2012 Legislature adopted an expansion of that law (R.S. 37:1218.1) that authorized qualified pharmacists in certain primary care health professional shortage areas to administer pneumococcal vaccines to any person 18 years of age or older as well as zoster vaccines to any person 50 years of age or older. That section of the law repeats the requirement for the pharmacist to obtain and maintain the appropriate credential from the Board and it also repeats the reporting and recordkeeping requirements.

This 2014 law amends R.S. 37:1218.1, which was adopted in 2012, and it made no changes to the original 2010 law about influenza immunizations. This new law removed the limitation on health professional shortage areas and it also removed the limitation listing the two specific vaccines. However, the credentialing, reporting and recordkeeping requirements were retained.

In summary, effective August 1, any pharmacist located in any part of the state who is in possession of a valid and current Medication Administration Registration issued by the Board may administer any immunization or vaccine (except influenza) without a prescription or medical order to any person 17 years of age or older. The age limit for influenza is seven years of age or older. That authority is subject to certain requirements:

- The administration of all immunizations shall be in conformance with the most current immunization protocols issued by the U.S. Centers for Disease Control & Prevention (CDC) Advisory Committee on Immunization Practice (ACIP).
- The pharmacist shall report each immunization to the state's immunization database as soon as reasonably practical.
- The pharmacist shall report all adverse events he observes or which are reported to him to the Vaccine Adverse Events Reporting System; and further, shall refer the patient with an adverse event for appropriate medical care.
- The pharmacist shall maintain all immunization records for at least two years.
- The pharmacist shall request the name of the patient's primary care provider prior to administering the immunization, and then shall notify that provider by written or electronic means as soon as reasonably after the immunization was administered.
- The pharmacist shall inform the patient the immunization shall not be construed as a substitute for an annual check-up with the patient's primary care or family physician.

**Act 253 (HB 754) – effective August 1, 2014**

This law inserted a new provision in the Louisiana Controlled Substances Act that authorizes certain first responders to obtain naloxone on prescription and administer it to any person they find experiencing an opioid-related drug overdose, without the necessity of obtaining a prescription or medical order for that patient in distress. Although the new provision was placed within the controlled substances law, naloxone was not placed in the schedules of controlled substances. Therefore, it is still not a controlled substance.

- The law defines a 'first responder' as (1) a peace officer, (2) a firefighter, or (3) an Emergency Medical Services (EMS) practitioner.
- The law authorizes a first responder to receive a prescription for naloxone or another opioid antagonist, maintain the naloxone or other opioid antagonist in the first responder's possession, and administer the naloxone or other opioid antagonist to any person who is undergoing or who is believed to be undergoing an opioid-related drug overdose.
- One of the significant aspects of this legislation with respect to pharmacy practice is the exception to the requirement that a prescription is to be written for the patient intended to receive the drug prescribed. In this case, the prescription may lawfully be written (and dispensed) in the name of the first responder who will carry the drug with him, for emergency administration to a patient undergoing an opioid-related drug overdose.
- The law also prescribes certain training for first responders intending to obtain naloxone for this purpose, and further, tasks the first responder with certain recordkeeping requirements.

**Act 398 (HB 1065) – effective June 1, 2014**

This new law focused primarily on an expansion of the scope of practice for optometrists with respect to a number of treatments and procedures, but it also made some adjustments in the prescriptive authority for

optometrists. With respect to their prescriptive authority, optometrists were previously limited to oral and topical dosage forms of drug products they prescribed for the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa. In addition, they were authorized to prescribe controlled substances listed in Schedules III, IV, or V, but they were limited to prescribing one 48-hour supply of a controlled substance with an allowance of one additional follow-up 48-hour supply.

- Optometrists may now prescribe any nonprescription or prescription drug product, delivered by any route of administration, used for the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa.
- Optometrists may now prescribe any controlled substance listed in Schedules III, IV, or V, with no limitations on quantity or days supply.