

1 HLS 17-
2 Regular Session, 2017
3 House Bill No. _____
4 By Representative _____

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6 PHARMACIES: Defines specialty drugs and prohibits any entity from establishing alternative
7 definitions for this term or adding any other requirements that will limit patient access to
8 prescription drugs.

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10 AN ACT

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12 To amend and reenact R.S. 22:1852, relative to definitions, and to enact R.S. 22:1857.2, relative
13 to access to specialty drugs.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 22:1852 is hereby amended and reenacted to read as follows:

16 §1852. Definitions

17 As used in this Subpart, the following terms shall be defined as follows:

18 * * *

19 (11.5) “Specialty drug” means a prescription drug which meets all of the
20 following criteria:

- 21 (a) The drug cannot be routinely dispensed at a majority of retail
22 community pharmacies due to physical or administrative requirements
23 that limit preparation and/or delivery in the retail community
24 pharmacy environment. Such drugs may include but are not limited to

25 chemotherapy, radiation drugs, intravenous therapy drugs, biologic
26 prescription drugs approved for use by the federal Food and Drug
27 Administration, and/or other drugs that require physical facilities not
28 typically found in a retail community pharmacy, such as a ventilation
29 hood for preparation;

30 (b) The drug is used to treat complex, chronic, or rare medical conditions

31 (i) That can be progressive;

32 (ii) That can be debilitating or fatal if left untreated or
33 undertreated; or

34 (iii) For which there is no known cure.

35 (c) The drug requires special handling, storage, and/or has distribution
36 and/or inventory limitations;

37 (d) The drug has a complex dosing regimen or requires specialized
38 administration;

39 (e) Any drug that is considered to have limited distribution by the federal
40 Food and Drug Administration;

41 (f) The drug requires

42 (i) Complex and extended patient education or counseling;

43 (ii) Intensive monitoring; or

44 (iii) Clinical oversight; and

45 (g) The drug has significant side effects and/or risk profile

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49 Section 2. R.S. 22:1857.2 is hereby enacted to read as follows:

50 §1857.2 Access to specialty drugs

51 A. No entity shall establish definitions, or require accreditation or licensure,
52 effectively limiting access to prescription drugs, including specialty drugs as
53 defined in R.S. 22:1852, other than the appropriate governmental or
54 regulatory bodies.

55 B. In addition to the penalties provided in R.S. 22:1860, any violation of the
56 provisions of Subsection A of this Section shall be deemed an unfair or
57 deceptive act and practice pursuant to R.S. 22:1961 *et seq.* and shall be subject
58 to the penalties provided therein.