

**Final Rule**

**Department of Health and Hospitals  
Board of Pharmacy**

Penal Pharmacy Permit Revision  
(LAC 46:LIII.1801, 1807, and 2303)

In accordance with the provisions of the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) and the Pharmacy Practice Act (La. R.S. 37:1161 *et seq.*), the Louisiana Board of Pharmacy amended three Sections of its rules to clarify the necessity of a penal pharmacy permit only for those pharmacies serving offenders in the custody of the state department of corrections.

Malcolm J Broussard  
Executive Director  
Louisiana Board of Pharmacy

# Louisiana Administrative Code

## Title 46 – Professional and Occupational Standards

### Part LIII: Pharmacists

#### Chapter 18. Penal Pharmacy

##### §1801. Penal Pharmacy Permit

- A. A penal pharmacy permit shall be required to operate a pharmacy located within a penal institution owned and/or operated by the Louisiana Department of Public Safety and Corrections, or its successor, (hereinafter, “the department”), to provide medications and pharmacy care for offenders residing in that institution or another penal institution owned and operated by that governmental organization the department. The pharmacy in the penal institution may also provide medications and pharmacy care to offenders assigned to that institution and residing at home or another housing location.
- B. In the event a pharmacy located within the state but outside a penal institution intends to provide medications and pharmacy care on a contractual basis to offenders residing in, or assigned to, a penal institution owned and/or operated by the department, that pharmacy shall first obtain a penal pharmacy permit.
- C. In the event a nonresident pharmacy intends to provide medications and pharmacy care on a contractual basis to offenders residing in, or assigned to, a penal institution owned and/or operated by the department, or to any offender in the custody of the department shall first obtain a nonresident penal pharmacy permit, and further, shall comply with these rules with the exception of acquiring a separate penal pharmacy permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1236 (May 2012), amended LR 39:3074 (November 2013).

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##### §1807. Prescription Department Requirements

- A. The prescription department of a penal pharmacy shall comply with the minimum specifications identified in §1103 – *Prescription Department Requirements* of the board’s rules, and further, the specifications provided for the penal pharmacy permit may not be held or used by any other pharmacy permit.
- B. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237 (May 2012), amended LR 39:3074 (November 2013).

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#### Chapter 23. Out-of-State Pharmacy

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##### §2303. Out-of-State Pharmacy Requirements

- A. – C. ...
- D. Every nonresident pharmacy doing business in Louisiana by dispensing and delivering prescription drugs and devices to offenders in the custody of the Louisiana Department of Public Safety and Corrections shall apply for and maintain a nonresident penal pharmacy permit, and further, shall comply with the provisions of Chapter 18 of the Board’s rules, with the single exception of the necessity for acquiring a separate penal pharmacy permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992), effective January 1, 1993, amended LR 29:2100 (October 2003), effective January 1, 2004, amended LR 39:3074 (November 2013).

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