



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



April 28, 2020

Senator P. Page Cortez, President  
Louisiana Senate  
Via e-mail: [APA.SenatePresident@legis.la.gov](mailto:APA.SenatePresident@legis.la.gov)

## Electronic Mail – Delivery Receipt Requested

Re: Report No. 2 of 3 for Regulatory Project 2019-15 ~ Drug Disposal by Pharmacies

Dear Senator Cortez:

As we indicated in our first report to your office on November 8, 2019, the Board is amending its rules for pharmacies to allow them to accept returns of previously dispensed prescription drugs no longer needed by patients for the purpose of proper disposal.

Subsequent to the publication of our *Notice of Intent* in the November 2019 edition of the *Louisiana Register*, we conducted a public hearing on December 27, 2019 to receive comments and testimony on the proposed amendment. We received one comment suggesting a possible drafting error in one portion of the proposed rule, relative to the acceptance of controlled substances. During their subsequent meeting on February 5, 2020, the Board considered the comment and determined a correction of that section of the proposed rule was necessary. The Board published a Potpourri Notice in the March 2020 edition of the Louisiana Register which contained the proposed correction and notice of a second public hearing to receive comments and testimony on the proposed correction. We received no comments or testimony during the April 27, 2020 public hearing. The Board has directed the continuation of the rulemaking process. The Occupational Licensing Review Commission granted a waiver from the necessity of a second formal review. In connection with this regulatory project, you should find the following documents in this package:

- Record from the December 27, 2019 Public Hearing Page 02
- Record from the April 27, 2020 Public Hearing Page 48
- Full text of proposed rule, as corrected Page 55

Subject to review by the Joint Legislative Oversight Committee on Health & Welfare, the Board proposes to publish the original proposed rule, as corrected, as a *Rule* in the June 20, 2020 edition of the *Louisiana Register* with an immediate effective date. If you have any questions about the enclosed information or our procedures, please contact me directly at [mbroussard@pharmacy.la.gov](mailto:mbroussard@pharmacy.la.gov) or 225.925.6481.

For the Board:

Malcolm J. Broussard  
Executive Director

cc: Chair, Senate Committee on Health and Welfare – [APA.S-H&W@legis.la.gov](mailto:APA.S-H&W@legis.la.gov)  
Speaker, House of Representatives – [APA.HouseSpeaker@legis.la.gov](mailto:APA.HouseSpeaker@legis.la.gov)  
Chair, House Committee on Health and Welfare – [APA.H-HW@legis.la.gov](mailto:APA.H-HW@legis.la.gov)  
Editor, *Louisiana Register* – [Reg.Submission@la.gov](mailto:Reg.Submission@la.gov)  
Reference File



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## Public Hearing Record

December 27, 2019



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



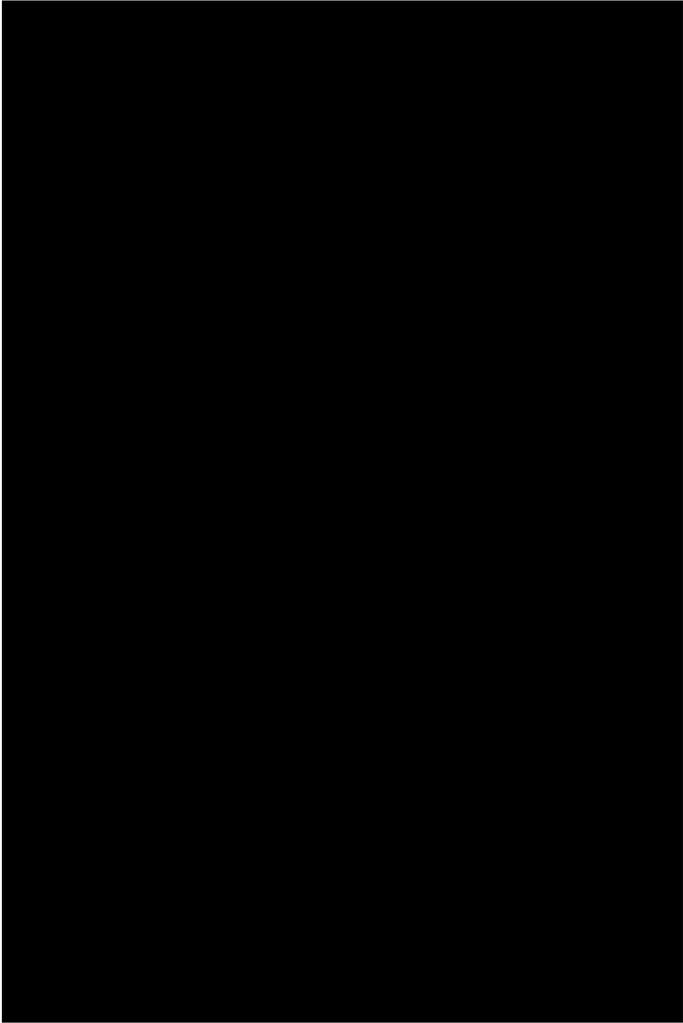
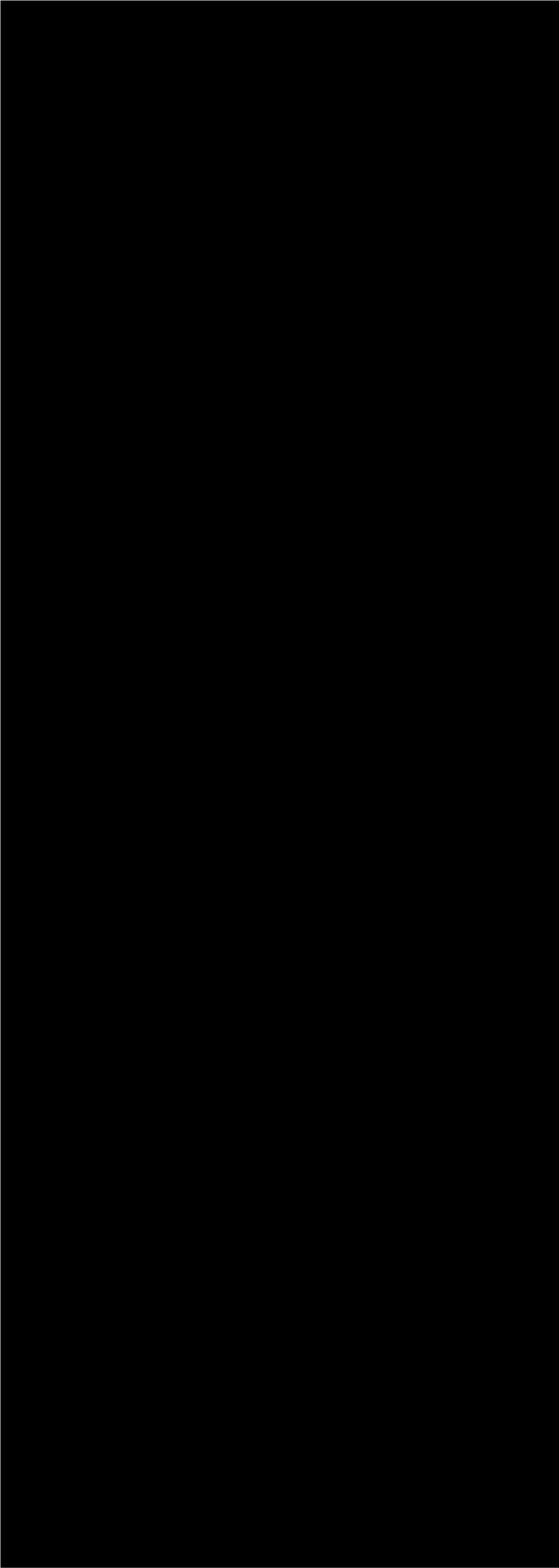
**NOTICE IS HEREBY GIVEN** that a Public Hearing has been ordered and called for 9:00 a.m. on Friday, December 27, 2019 at the Board office, for the purpose to wit:

## **A G E N D A**

Revised 11-08-2019

1. Call to Order
2. Appearances
3. Solicitation of Comments on Regulatory Projects
  - A. Project 2019-1B ~ Licensing of Marijuana Pharmacies
  - B. Project 2019-2 ~ Pharmacy Immunizations
  - C. Project 2019-3 ~ Investigational Drugs
  - D. Project 2019-4 ~ Telepharmacy Dispensing Sites
  - E. Project 2019-5 ~ Correctional Center Pharmacy
  - F. Project 2019-7 ~ Veterinary Hospital Pharmacy
  - G. Project 2019-8 ~ Dispensing of Prescription Refills
  - H. Project 2019-9 ~ Delays of Licensure Examinations
  - I. Project 2019-10 ~ License Transfer for Pharmacy Technicians
  - J. Project 2019-11 ~ Continuing Education Records
  - K. Project 2019-12 ~ Partial Fills of Schedule II Prescriptions
  - L. Project 2019-13 ~ Controlled Substance License for Third Party Logistics Providers
  - M. Project 2019-14 ~ Rulemaking Procedures
  - N. Project 2019-15 ~ Drug Disposal by Pharmacies**
  - O. Project 2019-16 ~ Pharmacy Compounding

3. Solicitation of Comments on Regulatory Projects (cont.)
  - P. Project 2019-17 ~ Pharmacy Records
  - Q. Project 2019-18 ~ Cannabis Metered Dose Inhaler
4. Opportunity for Public Comment
5. Adjourn



**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

**Drug Disposal by Pharmacies  
(LAC 46:LIII.1503, 1519, 2503, 2517, 2701, and 2749)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend several sections of its rules to authorize pharmacies to accept returns of previously dispensed drugs for disposal, and to establish standards for the destruction of certain types of drugs. The proposed amendment of §1503 is a technical amendment. The proposed amendment of §1519 permits a hospital pharmacy to accept drug returns for disposal, and further, requires compliance with certain federal standards for the disposal of controlled substances and for hazardous drugs. The proposed amendment of §2503 applies the same requirements to all other types of pharmacies. The proposed amendment of §2517 inserts the same set of requirement in this section for the dispensing of prescription drugs. The proposed amendment of §2701 is a technical amendment. The proposed amendment of §2749 specifies the disposal standards for controlled substances.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part LIII. Pharmacists**

**§1503. Definitions**

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:

*CFR*—Code of Federal Regulations

\* \* \*

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 29:2093 (October 2003), effective January 1, 2004, amended LR 33:1132 (June 2007), amended LR 39:1282 (May 2013), amended LR 40:2256 (November 2014), effective January 1, 2015, amended LR 41:2147 (October 2015), by the Department of Health, Board of Pharmacy, LR 46:

**§1519. Drug Returns; Drug Disposal**

A. In a hospital with a permitted hospital pharmacy on site, unused drugs may be returned to the pharmacy for re-dispensing in accordance with good professional practice standards.

B. When a patient or his designee wishes to return previously dispensed prescription drugs to a pharmacy for disposal, the pharmacy shall inform the patient or his designee of the disposal mechanisms available to him. In the event the pharmacy elects to accept such previously dispensed products for disposal, the pharmacy shall comply with the following requirements.

1. From the time of receipt of such products until the time of disposal, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.

2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy's disposal of controlled substances and other non-hazardous waste pharmaceuticals.

3. The pharmacy shall comply with the provisions of 40 CFR §261 or its successor for the pharmacy's disposal of hazardous waste pharmaceuticals.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2094 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 46:

**Chapter 25. Prescriptions, Drugs, and Devices**

**Subchapter A. General Requirements**

**§2503. Drug Returns; Drug Disposal**

A. Unless otherwise allowed by law, drugs dispensed on prescription to a patient shall not be accepted for return, exchange, or re-dispensing by any pharmacist or pharmacy after such drugs have been removed from the pharmacy premises where they were dispensed.

B. When a patient or his designee wishes to return previously dispensed prescription drugs to a pharmacy for disposal, the pharmacy shall inform the patient or his designee of the disposal mechanisms available to him. In the event the pharmacy elects to accept such previously dispensed products for disposal, the pharmacy shall comply with the following requirements.

1. From the time of receipt of such products until the time of disposal, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.

2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy's disposal of controlled substances and other non-hazardous waste pharmaceuticals.

3. The pharmacy shall comply with the provisions of 40 CFR §261 or its successor for the pharmacy's disposal of hazardous waste pharmaceuticals.

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 29:2102 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 46:

**§2517. Prescription Dispensing; Equivalent Drug Product Interchange; Drug Returns; Drug Disposal**

A. - C. ...

D. When a patient or his designee wishes to return previously dispensed prescription drugs to a pharmacy for disposal, the pharmacy shall inform the patient or his designee of the disposal mechanisms available to him. In the event the pharmacy elects to accept such previously dispensed products for disposal, the pharmacy shall comply with the following requirements:

1. From the time of receipt of such products until the time of disposal, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.

2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy's disposal of controlled substances and other non-hazardous waste pharmaceuticals.

3. The pharmacy shall comply with the provisions of 40 CFR §261 or its successor for the pharmacy's disposal of hazardous waste pharmaceuticals.

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 29:2104 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 43:2162 (November 2017), LR 46:

**Chapter 27. Controlled Dangerous Substances**

**Subchapter A. General Provisions**

**§2701. Definitions**

A. Words not defined in this Chapter shall have their common usage and meaning as stated in the Merriam-Webster's Collegiate Dictionary—Tenth Edition, as revised, and other similarly accepted reference texts. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise.

\* \* \*

*CFR*—Code of Federal Regulations

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2127 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:

**Subchapter F. Production, Distribution, and Utilization**  
**§2749. Disposal of Controlled Substances**

A. - C. ...

D. When a patient or his designee wishes to return previously dispensed controlled dangerous substances to a pharmacy for destruction, the pharmacy shall accept such products previously dispensed by that pharmacy and may accept such products previously dispensed by another pharmacy, but only for destruction.

1. From the time of receipt of such products until the time of destruction, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.

2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy's disposal of controlled substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2157 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:

**Family Impact Statement**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

**Poverty Impact Statement**

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

**Small Business Analysis**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. There are no reporting requirements in the proposed Rule amendment.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. There are no specific schedules for deadlines in the proposed Rule amendment.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. There are no additional compliance or reporting requirements in the proposed Rule amendment.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The standards for the disposal of controlled substances and hazardous drugs are federal in origin and apply to all pharmacies and other types of healthcare providers.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses.

**Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule

amendment will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9 a.m. on Friday, December 27, 2019. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Drug Disposal by Pharmacies**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will require the Louisiana Board of Pharmacy to publish the proposed and final rules in the state register, at a cost of \$2,000 for FY 20. There are no other costs or savings for other local or state governmental units. The proposed rule changes will require all pharmacies to advise consumers of their drug disposal options and will allow pharmacies to accept drug returns for disposal purposes.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will require all pharmacies to advise consumers of their drug disposal options and will allow pharmacies to accept drug returns for disposal purposes. For pharmacies electing to accept drug returns for disposal, the proposed rule changes require compliance with federal standards relative to the disposal of controlled substances and hazardous drugs. To the extent pharmacies electing to accept drugs for disposal are unable to comply with the aforementioned requirements, such as quarantining products returned for disposal, they may incur unknown though likely marginal costs to be able to properly accept returned products.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will not affect competition or employment.

Malcolm J. Broussard  
Executive Director  
1911#053

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

# Louisiana Board of Pharmacy

Public Hearing Attendance Record ~ December 27, 2019

Regulatory Projects 2019-1B through 2019-18

Name	Address	E-mail	Group or Agency Represented
1. TJ Woodward	2450 Cottonwood Ave BR, LA 70808	tj@rxstogeaux.com	Capital Wellness Solutions/Prescriptions to Geaux
2.			
3.			
4.			
5.			

**In The Matter Of:**  
*STATE OF LOUISIANA PARISH OF EAST BATON ROUGE*  
*LOUISIANA BOARD OF PHARMACY*

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*Public Hearing*  
*December 27, 2019*

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*Associated Reporters, Inc.*  
*2431 South Acadian Thruway*  
*Suite 550*  
*Baton Rouge, La. 70808*

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STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE  
LOUISIANA BOARD OF PHARMACY

An Public Hearing was held by the  
Louisiana Board of Pharmacy, on Friday,  
December 27, 2019, at their office located  
at 3388 Brentwood, Baton Rouge, Louisiana  
70809 beginning at 9:00 a.m.

BEFORE:

Susan Erkel  
Certified Court Reporter  
In and For the State of  
Louisiana



## P R O C E E D I N G S

1  
2 MR. FINALET:

3 Good morning. Today is Friday,  
4 December 27, 2019. The time is 9:00  
5 a.m. We're assembled in the Boardroom  
6 at the Louisiana Board of Pharmacy  
7 located at 3388 Brentwood Drive in Baton  
8 Rouge, Louisiana. My name is Carlos  
9 Finalet. I serve the Board of Pharmacy  
10 as its General Counsel. In his absence,  
11 the Board President, Carol Aron, has  
12 requested that I moderate this hearing.  
13 I now call this Public Hearing to order.

14 As a courtesy to everyone else in the  
15 room, please take time to silence your  
16 cell phones or other electronic devices.  
17 Further, should you find it necessary to  
18 take or make a telephone call, please  
19 step outside the meeting room to do so.

20 For your safety, the emergency exit  
21 path from this room is through the door  
22 into the lobby and through the front  
23 door through which you entered the  
24 building. For your comfort, the  
25 restrooms are located in the lobby --

1 ladies on the opposite side of the  
2 lobby, just past the receptionist's  
3 window, and gentlemen just outside the  
4 door to this room.

5 In addition, we have a water cooler  
6 in this room. Please help yourself.  
7 For your peace of mind, please ensure  
8 that you did not park in one of the  
9 three spaces between this building and  
10 the back of the building in front of  
11 this one, or in front of the building in  
12 front of this one. Those parking spaces  
13 do not belong to the Board, and tow  
14 trucks are regular visitors to that  
15 area. Additional parking is available  
16 at the rear of the Perlis clothing store  
17 on Jefferson Highway, and there is a  
18 stairway connecting that parking lot to  
19 the Board's parking area in front of our  
20 building.

21 This hearing is held in accordance  
22 with Administrative Procedures Act and  
23 the Open Meetings Law. As required by  
24 these laws, this hearing is convened  
25 pursuant to public notice and notice has

1           been properly posted.

2           The purpose of today's hearing is to  
3           receive public comments and testimony on  
4           the 17 regulatory projects listed on the  
5           agenda for today's hearing. The Board  
6           published its Notices of Intent for all  
7           these projects in November 2019 edition  
8           of the Louisiana Register. Further, the  
9           Board filed its first reports with the  
10          legislative oversight committees on  
11          November 8 and then distributed  
12          electronic Notice of Rulemaking Activity  
13          on November 9, 2019 to its electronic  
14          List of Interested Parties, as well as  
15          all its licensees.

16          As indicated in the Notices, the  
17          Board has convened this public hearing  
18          to receive public comments and testimony  
19          on all 17 of these regulatory projects.  
20          The Board will consider the comments and  
21          testimony offered today during their  
22          next meeting on February 5, 2020, to  
23          determine whether any revisions to the  
24          proposed rule amendments are necessary.  
25          We will reply to your comments as soon

1 as possible thereafter.

2 Prior to making any comments today,  
3 we ask that you sign the guest register  
4 for this event. Copies of today's  
5 agenda and the notices are available at  
6 the registration desk or rather,  
7 actually right in front of you. The  
8 proposed rule amendments are also  
9 available in the Public Library section  
10 of the Board's website, as well as the  
11 website of the Louisiana Register.

12 While we may answer questions to  
13 clarify language or interpretation, it  
14 is not our intent to debate any issues  
15 today. Again, the purpose of this  
16 hearing is to receive your comments and  
17 testimony for the Board's consideration.  
18 As indicated in the notices, the  
19 deadline for all comments and testimony  
20 on these proposed rules amendments is  
21 12:00 noon today.

22 We are now prepared to receive your  
23 comments and testimony. As you begin  
24 your comments, we ask that you identify  
25 yourself and any organization that you

1 may represent. Please identify which  
2 regulatory topic for which you are  
3 submitting comments or testimony.

4 Before we take any oral statements, I  
5 do want to enter into the record two  
6 written comments that were submitted to  
7 the Board Office, one on December 23,  
8 2019 from the National Association of  
9 Chain Drug Stores, specifically by its  
10 representative Steven C. Anderson,  
11 President and its CEO. And then the  
12 second written comment was submitted on  
13 December 26, 2019 by Albertsons  
14 Companies, specifically by its  
15 representative, Pharmacist Robert  
16 Geddes, Director of Pharmacy,  
17 Legislative and Regulatory Affairs.

18 So if there are any oral statements,  
19 comments that the public would like to  
20 make, now is would be the time.

21 MR. WOODARD:

22 I guess I might as well just to get  
23 everything on the record, Carlos. TJ  
24 Woodard here representing Capitol  
25 Wellness Solutions. I notice the first

1 item on the agenda, Licensing Marijuana  
2 Pharmacies, and I'm not sure exactly how  
3 this pertains to us or if I'm even -- if  
4 this is the right venue to bring things  
5 up, but there's a few things that we've  
6 noticed over the first few months of  
7 establishing, opening, running, and now  
8 we've done it for several months so we  
9 kind of have a feel of what's working  
10 and what's not working.

11 And I guess maybe just bullet points  
12 to bring up at a future meeting with  
13 Board Members to discuss, there are kind  
14 of three, well four critical issues that  
15 I think we're -- kind of prohibit our  
16 growth and the effective running of our  
17 marijuana pharmacies. The first I would  
18 say, delivery, and I don't know exactly  
19 what mechanism, if it's me as the  
20 pharmacist in charge of delivery, and if  
21 it's a third-party company delivery.

22 We have several patients that we've  
23 seen and we've established a  
24 relationship with that are truly bed  
25 bound and don't have transportation,

1           that don't have anyone that can access  
2           medication for them, I would be happy to  
3           deliver it to their home if that were  
4           allowed and legal so maybe just some  
5           guidance on even an extreme situations,  
6           you know.

7           I don't think this is a scenario like  
8           I deliver in my traditional pharmacy  
9           downtown where we deliver everything,  
10          but just to have that option would be  
11          helpful.

12          The second and I think it's been  
13          discussed is, we, personally speaking  
14          for Capitol Wellness, we have two great  
15          technicians that are kind of  
16          underutilized. They can perform certain  
17          duties, data entry, but really beyond  
18          that, as far as the filling -- filling  
19          of the medication, they can't do now.  
20          The pharmacist is the only one in my  
21          understanding that can touch the product  
22          and you know, essentially stick a label  
23          on a box, if you will.

24          Sometimes that creates a logjam. We  
25          spend most of our time counseling

1 patients so if I'm in the back  
2 counseling a patient and we have three  
3 additional patients come in, everything  
4 is stopped waiting on me, where at a  
5 minimum, they could enter it, fill it,  
6 label it for me to check and review, as  
7 we do in the traditional pharmacy I  
8 guess. So in my mind, if they can fill,  
9 you know, a Percocet in a traditional  
10 pharmacy, I can count behind them and  
11 check it and then dispense it.

12 It would be helpful if they could do  
13 that in our world. There just seems to  
14 be this firewall between technicians and  
15 the product that I don't see any issue  
16 whatsoever with it professionally  
17 because I'm still checking behind it and  
18 the things we traditionally do. So  
19 that's another thing.

20 The -- another big one and I don't  
21 know, there's a fine line between we're  
22 really -- I don't know all the specifics  
23 in the law, but we're really prohibited  
24 from advertising. And I don't know that  
25 advertising is in a sense of you know,

1 we need to put up a billboard that we  
2 sell medical marijuana here, but it  
3 would help one, communicate with doctors  
4 and patients kind of what we do and what  
5 we can do.

6 We do that some for education now  
7 with physicians. We don't really have a  
8 way to reach the patients unless they  
9 call us. But the main reason there is a  
10 medical marijuana recommending facility  
11 adjacent to our location and we're  
12 commonly confused with them. So we're  
13 on Picardy off of Essen. They're on the  
14 corner of Picardy and Essen. You know  
15 they have some flag out with some  
16 marijuana paraphernalia type things.  
17 People regularly think that's us. We  
18 would like a way just to let them know  
19 that it's not.

20 I mean, for instance, our location  
21 just has on the outside, it just says  
22 "Capitol" and our logo. So especially  
23 with elderly folks, they're constantly  
24 confused with how to get to us, what we  
25 do, who we are. So again, I'm not

1 asking for anything specifically, more  
2 so just to start the conversation with  
3 how could we do this efficiently and  
4 professionally to communicate what we're  
5 doing with the general public in a  
6 professional way.

7 I don't think we want to, you know,  
8 have the blow up people dancing on the  
9 roads saying, you know, medical  
10 marijuana here, but it's really been a -  
11 - and I think its inhibited the growth  
12 statewide for folks. We still have  
13 physicians and patients that have  
14 literally no idea what it is that we do.  
15 In about six months now that we've been  
16 open, there have been some lives that  
17 have truly been changed so I can  
18 honestly say that I think we're going in  
19 the right direction.

20 We're taking it slowly and doing it  
21 very controlled and very well. These  
22 are just some things that I've seen in  
23 practice that I think would help every  
24 marijuana pharmacy without hurting the  
25 public in any way. Actually, quite the

1 opposite. But again, I'm not asking for  
2 anything specifically. Just maybe at  
3 some future meeting we could discuss it.

4 So I don't even know if this is the  
5 right forum for that but just to kind of  
6 get that down in the public comment.

7 MR. FINALET:

8 And you had a forth point, maybe?

9 MR. WOODARD:

10 Well, the fourth point and I'm  
11 skipping over, I see at the bottom,  
12 number 3, letter Q, Cannabis Metered  
13 Dose Inhaler. I don't know remotely  
14 what that's about. I will just say, one  
15 of the biggest issues we have is getting  
16 this product into a patient's system as  
17 quickly as possible for various reasons,  
18 whether it's acute pain, whether it's an  
19 anxiety attack secondary to PTSD.

20 That's still the fastest way to get this  
21 medication into someone's body, through  
22 the lungs.

23 So, you know, again, I'm not here  
24 saying we should, you know, have flower  
25 or vaporization. I don't know. This is

1 one thing that's come up, metered dose  
2 inhaler. I will just say from the  
3 clinical perspective, I couldn't support  
4 something like this more. I don't know  
5 what it looks like. I don't know if it's  
6 an ILERA and southern product or it's a  
7 GB -- well, it's not GB anymore,  
8 Wellcanna, an LSU product, but that's  
9 been a real issue with us is we need  
10 some mechanism to get instant relief for  
11 some patients.

12 That's one of the biggest complaints  
13 we've had is that, you know, we have the  
14 tinctures. They're faster than an oral  
15 product. They work. They work very  
16 well. There's still a 15 to 30 to an  
17 hour gap there so if someone's having an  
18 acute anxiety attack, I have nothing for  
19 them.

20 MR. FINALET:

21 And I think that was the purpose of  
22 that both legislatively and regulation.

23 MR. WOODARD:

24 So just to -- and this is me speaking  
25 personally as a pharmacist and on behalf

1 of Capitol, that's something that we  
2 support. There is a need for it.

3 MR. FINALET:

4 And to answer your question about if  
5 this was the proper forum, I don't think  
6 it's improper. You know you definitely  
7 addressed that one aspect of the inhaler  
8 which was appropriate. The other items  
9 are appropriate insofar as they'll be  
10 part of the comment review that the  
11 Board's going to make at the February  
12 meeting.

13 MR. WOODARD:

14 Okay.

15 MR. FINALET:

16 And my feeling is that the Board  
17 President's going to delegate that to  
18 Regulation Revision Committee.

19 MR. WOODARD:

20 Okay.

21 MR. FINALET:

22 And so there should be a very lively  
23 chain of meetings thereafter --

24 MR. WOODARD:

25 Right.

1 MR. FINALET:

2 -- on all these aspects. And as you  
3 know, the projects evolving and we  
4 expected it to evolve and frankly, want  
5 it to evolve to address a lot of the  
6 concerns you had about educating  
7 appropriately.

8 MR. WOODARD:

9 Right, right.

10 MR. FINALET:

11 And informing the public and getting  
12 the right patients to you.

13 MR. WOODARD:

14 And I think we've all -- I will say  
15 that speaking with people kind of from  
16 other states, speaking with folks at  
17 Pennington, speaking with folks at LSU,  
18 I think we did it the right way. It's  
19 much, you know, much different than in  
20 California or Colorado model, but it's  
21 well controlled and we can actually use  
22 that to our benefit in a lot of ways. I  
23 mean we're talking about doing clinical  
24 trials now which is kind of  
25 groundbreaking.

1           But, you know, we've got to start  
2           and then I think it's, you know,  
3           postmortem review of what's working,  
4           what's not working and just speaking --  
5           we're in close contact with the other  
6           pharmacies in the state and it's kind of  
7           the same things that keep coming up. So  
8           I don't intend to be the spokesperson  
9           for everyone, but I'm happy to answer  
10          questions specifically, you know,  
11          patient based, what is working and  
12          what's not.

13         MR. FINALET:

14                 And I can tell you that the Board  
15                 will really want all of your input --

16         MR. WOODARD:

17                 Okay.

18         MR. FINALET:

19                 -- as to what you do because y'all  
20                 are on the front lines.

21         MR. WOODARD:

22                 Yeah.

23         MR. FINALET:

24                 Y'all know what is needed and then  
25                 they could figure out what we can work

1 with.

2 MR. WOODARD:

3 Perfect. So board meeting February  
4 at Xavier.

5 MR. FINALET:

6 At Xavier and I believe the starting  
7 time is 9:00.

8 MR. WOODARD:

9 And will the Regulations Committee be  
10 before that or after that?

11 MR. FINALET:

12 After that.

13 MR. WOODARD:

14 So they'll be --

15 MR. FINALET:

16 There is a Regulations Committee  
17 meeting in January 23rd I think. But  
18 that -- nothing marijuana related I  
19 don't think is on that agenda. But they  
20 wouldn't be discussing this anyway. The  
21 Board has to delegate it to the  
22 committee.

23 MR. WOODARD:

24 Okay.

25 MR. FINALET:

1           The committee does take up issues on  
2           their own. There's a process for it.

3           MR. WOODARD:

4           That's what Malcolm said. I haven't  
5           brought it up myself yet to be delegated  
6           that because I wasn't quite ready. But  
7           maybe at the Board, do I ask for it to  
8           be delegated?

9           MR. FINALET:

10           Well, what I'm going to suggest to  
11           Malcolm when he's preparing the  
12           comments, is you know, for the Board's  
13           Digest is to itemize your comments and  
14           concerns.

15           MR. WOODARD:

16           Okay.

17           MR. FINALET:

18           And that would give the Board  
19           President a vehicle to delegate that at  
20           that time.

21           MR. WOODARD:

22           Okay. Perfect.

23           MR. FINALET:

24           If you want to check before the  
25           meeting, you can always just submit a

1 request for that and then I'm not sure  
2 which part of the meeting it would be  
3 considered. It might be one of the  
4 actual agenda items or it might be part  
5 of the Executive Committee report.

6 MR. WOODARD:

7 Okay.

8 MR. FINALET:

9 I'm not sure. Why don't we do this.  
10 Malcolm gets back on the 2nd. You know,  
11 between now and then, maybe you shoot  
12 him an e-mail just asking that question.

13 MR. WOODARD:

14 And it's -- and he has told me that  
15 and given me that guidance that the  
16 proper procedure like you just said.  
17 It's got to go the Regulations  
18 Committee. That's where this will be  
19 hashed out. And that's really all we  
20 want is just to have the discussion.  
21 And I'd love for everyone to ask us  
22 questions because this was all so new  
23 for everyone, what's working.

24 I will say, professionally speaking,  
25 it's worked much more than I thought it

1 was. You know, we never really knew,  
2 you're going to flip the lights on if  
3 this is going to be like some, you know,  
4 shady, fly-by-night deal and it's just  
5 not that at all.

6 MR. FINALET:

7 And I've heard that your particular  
8 location is doing very well.

9 MR. WOODARD:

10 Yeah.

11 MR. FINALET:

12 And I've hear good things about it.

13 MR. WOODARD:

14 Okay. Thank you, Carlos. I think  
15 that's it.

16 MR. FINALET:

17 Give Lisa my hello.

18 MR. WOODARD:

19 I will.

20 MR. FINALET:

21 I might come by soon.

22 MR. WOODARD:

23 Thank you again for your help. I've  
24 talked to Kerry so I think we have a  
25 good plan.

1 MR. FINALET:

2 Good deal. Take care. Happy new  
3 year.

4 MR. WOODARD:

5 You too.

6 MR. FINALET:

7 Thank you.

8 (No public comments were received  
9 from 9:17 a.m. until 11:59 a.m.)

10 MR. FINALET:

11 The time is now 12:00 noon. This  
12 public hearing is adjourned.

13

14 (THE HEARING ADJOURNED AT 12:00 P.M.)

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## 1                   C E R T I F I C A T E

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December 24, 2019

Mr. Malcolm J. Broussard  
Executive Director  
Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, LA 70809-1700



Dear Mr. Broussard:

On behalf of Albertsons Companies, which operates 16 pharmacies in the state of Louisiana I am writing in response to the recently proposed rules, which will be heard on December 27, 2019. First and foremost, I want to thank the regulation committee and full board for all the hard work and hours that have been dedicated to streamlining and strengthening the regulations of Louisiana. I have a few concerns, which I would like to express to help shed light on a few areas where the regulations could prove problematic.

**2019-2 Pharmacy Immunizations:**

Our company fully supports timely reporting to the immunization registry by pharmacies. This is a valuable resource for all healthcare providers to increase access to life saving immunizations, as well as providing a framework to ensure immunizations are provided on the correct schedule. However, the requirement of reporting to the registry in 72 hours for all instances, can prove to be difficult in certain circumstances. There are varying timeline requirements across the country from 7 days to 30 days. To ensure the records are submitted accurately and not in haste, I respectfully request the timeline be extended from 72 hours to seven days.

I recommend amending the language in the following way:

*F. 2. The immunizing pharmacist or his designee shall report the immunization to the state immunization registry within ~~seven days~~ **seven days** of the administration of the immunization.*

**2019-15 Drug Disposal by Pharmacies:**

These sections outline the instances where it is appropriate for a pharmacy to accept a return of medications. Based on my previous communication with you by email dated November 21, 2019 (attached), I would like to draw attention to section 2749 that states a pharmacy shall accept controlled substances previously dispensed by the pharmacy and may accept products dispensed by other pharmacies. In your response you stated this language may have been a drafting error. I would ask that the language of section 2749 be reviewed and reflect the option a pharmacy has in participating in drug disposal pursuant to sections 1519, 2503, and 2517.

Thank you very much for the opportunity to address these concerns. If you should have a question or concern, please reach out to me at 208-513-3470 or [rob.geddes@albertsons.com](mailto:rob.geddes@albertsons.com).

Sincerely,



Rob Geddes, PharmD  
Director, Pharmacy Legislative and Regulatory Affairs

## Rob Geddes

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**From:** Malcolm J. Broussard <mbroussard@pharmacy.la.gov>  
**Sent:** Thursday, November 21, 2019 8:41 AM  
**To:** Rob Geddes  
**Subject:** EXTERNAL EMAIL: RE: Louisiana Proposed Rules

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Rob,

With respect to the pharmacy immunizations proposal, the rule does not distinguish between clock hours and business hours. During the Board's deliberations, I do not recall any suggestion to allow for that longer period of time provided by business hours. The draft approved by the committee called for a 24-hour deadline for such reports, with an allowance for a 72-hour deadline for mass immunization activities. During the full Board meeting, the proposal was amended to require 72-hour deadline for all immunization activities; that conversation did include references to weekend activities. Without the distinction, staff would interpret the rule, as published, to require reporting within 72 clock hours.

With respect to the drug disposal proposal, the first two drafts of the proposal required pharmacies to accept all returns of drugs it dispensed and permitted them to accept returns of all drugs dispensed by other pharmacies. During their discussions, the committee transitioned to the position not to require pharmacies to accept any returns but to allow them to do so. They then added a requirement for all pharmacies to inform consumers of their disposal options. The language present in §2749 is what was present in all the sections in the initial drafts. I do not recall any conversation about treating controlled substances differently in terms of the requirement or option to accept returns for disposal. Therefore, it appears to me the language in §2749 relative to a requirement instead of an option is a drafting error; it should contain the same language present in the other sections.

I would encourage your submission of formal comments during the public comment period, which opens on Nov. 20 and closes on Dec. 27. If you have any other questions or need more information in the interim, please let me know.

Take care,  
Malcolm



**LOUISIANA  
BOARD of  
PHARMACY**

Malcolm J. Broussard  
Executive Director  
Louisiana Board of Pharmacy  
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(1) Louisiana Board of Pharmacy; 3388 Brentwood Dr.; Baton Rouge, LA 70809; 225.925.6496; [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov).

(2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 94062; Baton Rouge, LA 70804; 225.342.2403; [cbriens@legis.la.gov](mailto:cbriens@legis.la.gov).

(3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9435; [s&g@legis.la.gov](mailto:s&g@legis.la.gov).

**NOTICE:** In compliance with Act 256 of the 2019 Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, La. R.S. 44:1 et seq.

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**From:** Rob Geddes [<mailto:rob.geddes@albertsons.com>]  
**Sent:** Wednesday, November 20, 2019 2:38 PM  
**To:** Malcolm J. Broussard  
**Subject:** Louisiana Proposed Rules

Malcom,

I had a few questions about the current pending proposed rules before your Board.

**2019-2 – Pharmacy Immunizations**

- In regards to the requirement to submit immunizations to the registry within 72 hours of administration. Would that be 72 business hours?
  - We were a little concerned in the event of a immunization clinic occurring on a Friday if there would be time due to limited staffing on a weekend for a pharmacy to process the claims in that time.

**2019-15 – Drug Disposal by Pharmacies**

- In section 1519, 2503, and 2517 it appears the pharmacy has the choice to accept the drug return or not.
- In section 2749 it states in regard to controlled substances that the pharmacy shall accept the products previously dispensed by that pharmacy and may accept products dispensed by other pharmacies.
- Is the intent to require pharmacies to have a drug take back program for controlled substances?

**Rob Geddes, PharmD**

*Director, Pharmacy Legislative and Regulatory Affairs*



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**Louisiana Board of Pharmacy**  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



March 2, 2020

Rob Geddes, PharmD  
Director, Pharmacy Legislative and Regulatory Affairs  
Albertsons Companies  
250 Parkcenter Blvd.  
Boise, ID 83706

By E-mail: [Rob.Geddes@albertsons.com](mailto:Rob.Geddes@albertsons.com)

Dear Dr. Geddes:

Thank you for your interest in the Board's rulemaking activities and for taking the time to offer comments on two of the Board's current regulatory projects at the Board's December 27, 2019 public hearing. The Board evaluated your comments during their subsequent meeting on February 5, 2020 and directed this reply.

*Project 2019-2 ~ Pharmacy Immunizations*

You expressed a concern for the timeframe for immunizing pharmacists or their designees to report immunizations to the state immunization registry. You cited the timeframes for other states ranging from 7 to 30 days and requested the Board change the 72-hour requirement to a 7-day requirement.

- The law which authorizes pharmacists to administer immunizations without a prescription or medical order requires the pharmacist to report the immunization to the state immunization registry "*at the time of the immunization or as soon as reasonably practicable thereafter*" [La. R.S. 37:1218(2) and 1218.1(A)(1)]. The Board has determined the legislative intent was for the reporting to occur sooner rather than later, and is of the belief that a 72-hour timeframe is more consistent with the legislative intent than a 7-day timeframe. They declined to make the requested change.

*Project 2019-15 ~ Drug Disposal by Pharmacies*

You cited an apparent inconsistency in the several section of rules relative to drug disposal by pharmacies. In particular, §2749 relative to controlled substances *requires* the pharmacy to accept returns for disposal whereas §1519, 2503, and 2517 all *permit* pharmacies to accept returns for disposal. You suggested the possibility of a drafting error and requested the Board to reconsider the proposal. During their reconsideration, the Board determined §2749 contains a drafting error and directed staff to initiate the

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**NOTICE:** In compliance with Act 256 of the 2019 Louisiana Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, R.S. 44:1 *et seq.*

**NOTICE:** In compliance with Act 655 of the 2018 Louisiana Legislature, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about board actions or board procedures. You may submit such complaints to one or more of the following organizations: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr.; Baton Rouge, LA 70809; 225.925.6496; [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov). (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; [h&ga@legis.la.gov](mailto:h&ga@legis.la.gov). (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; [s&g@legis.la.gov](mailto:s&g@legis.la.gov).

process to revise §2749 to contain the same allowances found in §1519, 2503, and 2517.

The Board appreciates your review and comments on these regulatory proposals.

- With respect to Project 2019-15 ~ Drug Disposal by Pharmacies, the Board directed staff to publish the proposed revision to §2749 in the state register and schedule a second public hearing to receive comments and testimony on the proposed revision. The Board will consider those comments at its subsequent meeting.
- With respect to Project 2019-2 ~ Pharmacy Immunizations, the Board directed staff to submit the required report to the Joint Legislative Oversight Committee on Health and Welfare. When we file that report, it will be posted to our website and we will provide our standard *Notice of Rulemaking Activity* to all interested parties. Subject to review by that legislative committee, the Board proposes to publish the original proposed rule without amendment as a *Rule* in the April 20, 2020 edition of the Louisiana Register with an immediate effective date.

For the Board:

Malcolm J. Broussard  
Executive Director

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**NOTICE:** In compliance with Act 655 of the 2018 Louisiana Legislature, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about board actions or board procedures. You may submit such complaints to one or more of the following organizations: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr.; Baton Rouge, LA 70809; 225.925.6496; [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov). (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; [h&ga@legis.la.gov](mailto:h&ga@legis.la.gov). (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; [s&g@legis.la.gov](mailto:s&g@legis.la.gov).

**From:** [Microsoft Outlook](#)  
**To:** [Robert Geddes \(Rob.Geddes@albertsons.com\)](mailto:Rob.Geddes@albertsons.com)  
**Subject:** Relayed: Reply to Comments for Regulatory Projects 2019-2 ~ Pharmacy Immunizations & 2019-15 ~ Drug Disposal by Pharmacies  
**Date:** Monday, March 2, 2020 5:08:50 PM  
**Attachments:** [Reply to Comments for Regulatory Projects 2019-2 ~ Pharmacy Immunizations 2019-15 ~ Drug Disposal by Pharmacies.msg](#)

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Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:  
Robert Geddes (Rob.Geddes@albertsons.com) (Rob.Geddes@albertsons.com) <mailto:Rob.Geddes@albertsons.com>  
Subject: Reply to Comments for Regulatory Projects 2019-2 ~ Pharmacy Immunizations & 2019-15 ~ Drug Disposal by Pharmacies



**Louisiana Board of Pharmacy**  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



## Public Hearing Record

April 27, 2020

**POTPOURRI**

**Department of Health  
Board of Pharmacy**

Notice of Public Hearing  
Substantive Change to Notice of Intent for Proposed Rule  
Drug Disposal by Pharmacies (LAC 46:LIII.2749)

The Board of Pharmacy published a Notice of Intent to amend its rules relative to drug disposal by pharmacies in the November 20, 2019 edition of the *Louisiana Register*. Pursuant to the Board's consideration of comments and testimony received during the December 27, 2019 public hearing, the Board proposes to amend one section of the original Notice of Intent relative to the disposal of previously dispensed controlled substances by pharmacies. The proposed amendment will remove the requirement for pharmacies to accept returns of controlled substances for disposal in favor of an allowance for pharmacies to accept such drugs for disposal and a requirement for pharmacies to advise patients or their designees of their drug disposal options.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 27. Controlled Dangerous Substances**

**§2749. Disposal of Controlled Substances**

A. - C. ...

D. When a patient or his designee wishes to return previously dispensed controlled dangerous substances to a pharmacy for disposal, the pharmacy shall inform the patient or his designee of the disposal mechanisms available to him. In the event the pharmacy elects to accept such previously dispensed products for disposal, the pharmacy shall comply with the following requirements:

1. From the time of receipt of such products until the time of disposal, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.

2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy's disposal of controlled substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2157 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:

**Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

**Public Hearing**

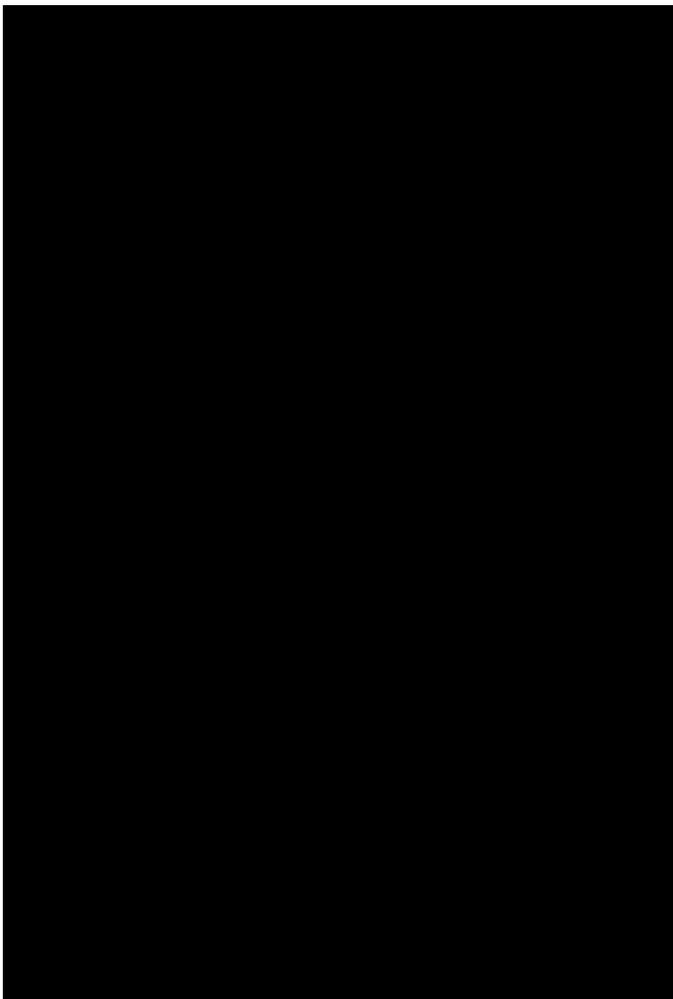
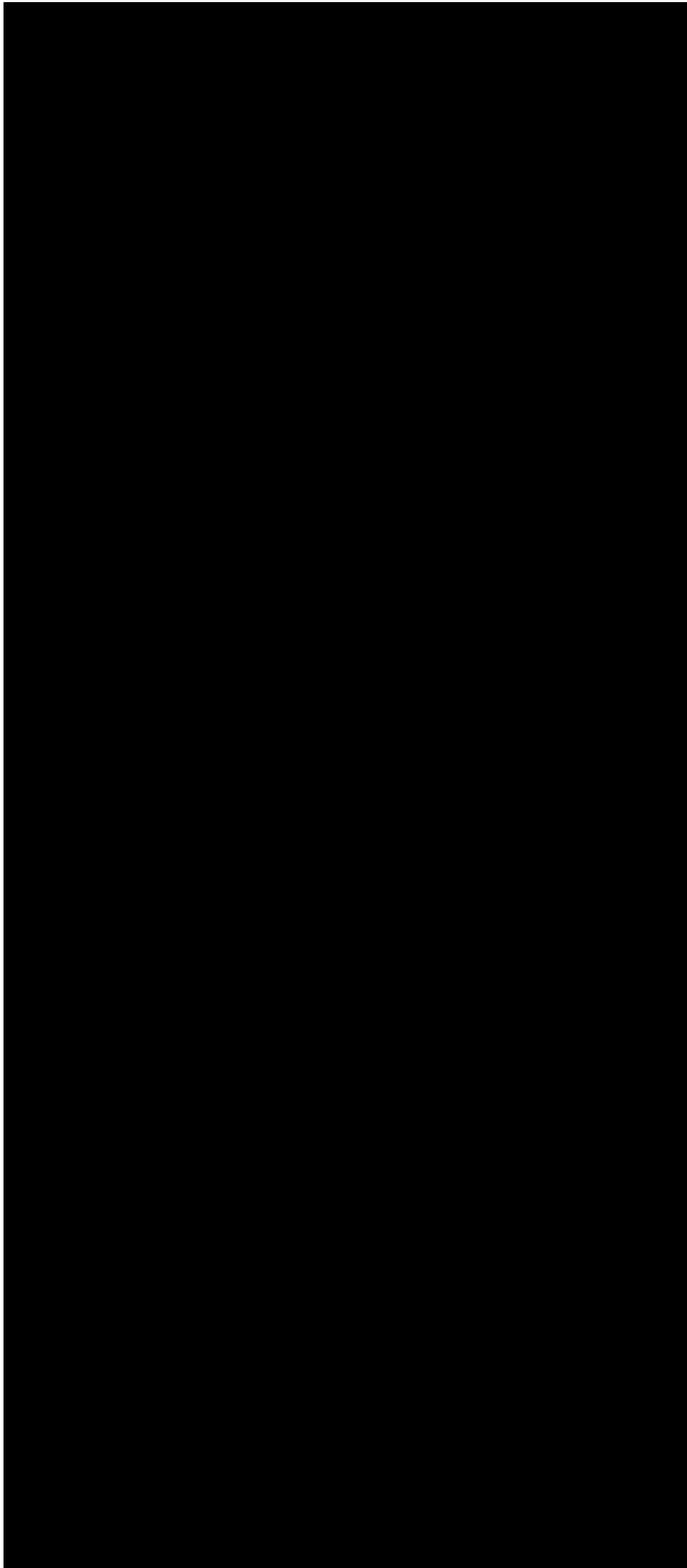
A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9 a.m. on Monday, April 27, 2020. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225-925-6496.

Malcolm J Broussard  
Executive Director

2003#010

# Agency Hearings—Emergency Cancellations or Modifications

Agency Hearings conducted pursuant to R.S. 49:953(A)(2)(a) and R.S. 49:968(H)(2) and Meetings  
[Modified pursuant to Proclamations 30 JBE 2020 and 41 JBE 2020]



## **Board of Pharmacy**

Pursuant to the provisions of *Governor's Proclamation No. 41 JBE 2020 ~ Extensions of Emergency Provisions*, the Board certifies it cannot achieve an in-person quorum for its meeting. Therefore, the Board has elected to conduct its hearing by teleconference as permitted by that same proclamation.

Notice is hereby given that a Public Hearing has been ordered and will be conducted by teleconference at 9:00 a.m. on Monday, April 27, 2020. The telephone number for the teleconference is 888.270.9936 and the access code is 9534160. The hearing has been called for the purpose to wit:

A G E N D A Revised 04-08-2020

1. Call to Order
2. Appearances
3. Solicitation of Comments on Regulatory Projects

A. Project 2019-15 ~ Drug Disposal by Pharmacies  
(Potpourri Notice)

4. Opportunity for Public Comment
5. Adjourn





# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



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**NOTICE IS HEREBY GIVEN** that a Public Hearing has been ordered and will be conducted by teleconference at 9:00 a.m. on Monday, April 27, 2020. The telephone number for the teleconference is 888.270.9936 and the access code is 9534160. The hearing has been called for the purpose to wit:

## **A G E N D A**

Revised 04-08-2020

1. Call to Order
2. Appearances
3. Solicitation of Comments on Regulatory Projects
  - A. Project 2019-15 ~ Drug Disposal by Pharmacies (Potpourri Notice)
4. Opportunity for Public Comment
5. Adjourn

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**NOTICE:** In compliance with Act 256 of the 2019 Louisiana Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, R.S. 44:1 *et seq.*

**NOTICE:** In compliance with Act 655 of the 2018 Louisiana Legislature, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about board actions or board procedures. You may submit such complaints to one or more of the following organizations: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr.; Baton Rouge, LA 70809; 225.925.6496; [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov). (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; [h&ga@legis.la.gov](mailto:h&ga@legis.la.gov). (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; [s&g@legis.la.gov](mailto:s&g@legis.la.gov).



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Summary of Testimony & Public Comments  
re  
Regulatory Project 2019-15 ~ Drug Disposal by Pharmacies  
at  
April 27, 2020 Public Hearing

*No comments or testimony received.*

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 15. Hospital Pharmacy

\* \* \*

§1503. Definitions

- A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:  
CFR – Code of Federal Regulations

\* \* \*

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 29:2093 (October 2003), effective January 1, 2004, amended LR 33:1132 (June 2007), amended LR 39:1282 (May 2013), amended LR 40:2256 (November 2014), effective January 1, 2015, amended LR 41:2147 (October 2015), amended by the Department of Health, Board of Pharmacy, LR 46:

\* \* \*

§1519. Drug Returns; Drug Disposal

- A. In a hospital with a permitted hospital pharmacy on site, unused drugs may be returned to the pharmacy for re-dispensing in accordance with good professional practice standards.
- B. When a patient or his designee wishes to return previously dispensed prescription drugs to a pharmacy for disposal, the pharmacy shall inform the patient or his designee of the disposal mechanisms available to him. In the event the pharmacy elects to accept such previously dispensed products for disposal, the pharmacy shall comply with the following requirements:
  1. From the time of receipt of such products until the time of disposal, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.
  2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy’s disposal of controlled substances and other non-hazardous waste pharmaceuticals.
  3. The pharmacy shall comply with the provisions of 40 CFR §261 or its successor for the pharmacy’s disposal of hazardous waste pharmaceuticals.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2094 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 46:

\* \* \*

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter A. General Requirements

\* \* \*

§2503. Drug Returns; Drug Disposal

- A. Unless otherwise allowed by law, drugs dispensed on prescription to a patient shall not be accepted for return, exchange, or re-dispensing by any pharmacist or pharmacy after such drugs have been removed from the pharmacy premises where they were dispensed.
- B. When a patient or his designee wishes to return previously dispensed prescription drugs to a pharmacy for disposal, the pharmacy shall inform the patient or his designee of the disposal mechanisms available to him. In the event the pharmacy elects to accept such previously dispensed products for disposal, the pharmacy shall comply with the following requirements:
  1. From the time of receipt of such products until the time of disposal, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.
  2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy’s disposal of controlled substances and other non-hazardous waste pharmaceuticals.

3. The pharmacy shall comply with the provisions of 40 CFR §261 or its successor for the pharmacy's disposal of hazardous waste pharmaceuticals.

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 29:2102 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 46:

\* \* \*

## Subchapter B. Prescriptions

\* \* \*

### §2517. Prescription Dispensing; Equivalent Drug Product Interchange; Drug Returns; Drug Disposal

A. – C. ...

- D. When a patient or his designee wishes to return previously dispensed prescription drugs to a pharmacy for disposal, the pharmacy shall inform the patient or his designee of the disposal mechanisms available to him. In the event the pharmacy elects to accept such previously dispensed products for disposal, the pharmacy shall comply with the following requirements:
  1. From the time of receipt of such products until the time of disposal, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.
  2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy's disposal of controlled substances and other non-hazardous waste pharmaceuticals.
  3. The pharmacy shall comply with the provisions of 40 CFR §261 or its successor for the pharmacy's disposal of hazardous waste pharmaceuticals.

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 29:2104 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 43:2162 (November 2017), amended LR 46:

\* \* \*

## Chapter 27. Controlled Dangerous Substances

### Subchapter A. General Provisions

#### §2701. Definitions

- A. Words not defined in this Chapter shall have their common usage and meaning as stated in the Merriam-Webster's Collegiate Dictionary – Tenth Edition, as revised, and other similarly accepted reference texts. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise.

\* \* \*

*CFR* – Code of Federal Regulations

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2127 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:

\* \* \*

### Subchapter F. Production, Distribution, and Utilization

\* \* \*

#### §2749. Disposal of Controlled Substances

A. – C. ...

- D. When a patient or his designee wishes to return previously dispensed controlled dangerous substances to a pharmacy for destruction, the pharmacy shall inform the patient or his designee of the disposal mechanisms available to him. In the event the pharmacy elects to accept such previously dispensed products for disposal, the pharmacy shall comply with the following requirements:

1. From the time of receipt of such products until the time of destruction, the pharmacy shall quarantine such products to keep them separate from its active dispensing stock and shall take appropriate security measures to prevent the theft or diversion of such products.
2. The pharmacy shall comply with the provisions of 21 CFR §1317 or its successor for the pharmacy's disposal of controlled substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2157 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46: