



Louisiana Board of Pharmacy

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BULLETIN No. 19-02

To: All pharmacies, pharmacists, interns, technicians, and technician candidates
From: Malcolm J Broussard, Executive Director
Date: July 26, 2019
Re: New Edition of Louisiana Pharmacy Law Book

We will publish a new edition of the Louisiana Pharmacy Law Book on August 1, 2019. The changes from the 2018 edition are summarized here:

With respect to the Laws section

- We removed *Title 14 ~ Criminal Law*. The information there related to criminal penalties for burglary of a pharmacy. Although of interest to pharmacy, it is more useful to law enforcement agencies than pharmacies.
- We added *Title 3 ~ Agriculture & Forestry; Chapter 10-A; Part VI – Hemp-Derived Cannabidiol Products*. The 2019 Legislature adopted this law to facilitate the retail sale of hemp-derived CBD products.
- Within *Title 37; Chapter 14 – Pharmacy Practice Act*, we updated the following sections pursuant to new laws from the 2019 Legislature:
 - The qualifications for board members at §1174(A);
 - The authority for pharmacists to decline to fill certain prescriptions under certain circumstances at §1219(D)(E) and (F); and
 - The authority to license and regulate pharmacy benefit managers at §1252 through §1254.
- Within *Title 40 ~ Public Health and Safety*, we made the following changes:
 - Within *Chapter 4 – Food and Drugs*:
 - *Part I – State Food, Drug and Cosmetic Law*. We added this existing law, which is the state version of the federal Food, Drug and Cosmetic Act.
 - *Part X* is the Uniform Controlled Substance Law, which had several amendments by the 2019 Legislature:
 - §961 saw a change in the definition of marijuana and a new term added – ‘industrial hemp’;

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

- a new §961.1 provides an exemption of industrial hemp from the requirements of the controlled substance law;
- §964 contains the schedule of controlled substances; the entry for THC in Schedule I was modified to exclude up to 0.3% THC found in industrial hemp; in addition, seven new chemicals were added to Schedule I;
- §966 contains the criminal penalties for Schedule I violations; new language was added to exempt activities related to industrial hemp that comply with other provisions of state law;
- a new §973.1 authorizes the Board of Pharmacy to require a criminal history record check for certain persons applying for a state controlled dangerous substance license;
- §978 relates to prescriptions for controlled substances. Subsection G has the 7-day prescribing limit adopted by the 2018 Legislature. The 2019 Legislature clarified that prescribers electing to exercise professional judgment to order more than a 7-day limit shall indicate on the prescription form that the larger quantity is medically necessary.
- a new §978.2.1 requires first responders to report opioid overdoses to the state health department.

- *Part X-A* is the Prescription Monitoring Program Law
 - Subsection G was amended to allow the PMP information to be shared with federal jurisdictions.
- *Part X-E* is the Therapeutic Marijuana Law
 - §1046 was amended in Subsection A to authorize the Board of Pharmacy to added metered dose inhalers to the list of allowable dosage forms for medical marijuana products;
 - That same Subsection also limits the ordering of medical marijuana to physicians licensed by the state board of medical examiners; the new amendment removed the requirement those physicians be domiciled within the state, so that state licensed prescribers domiciled in other states may issue such orders;
 - Subsection H of that law relates to the state agriculture department which regulates the growers and producers of medical marijuana; an amendment re-directed the proceeds of the 7% tax on the producers from the state agriculture department to a special state fund which supports citizens with developmental disabilities.

- We added the new *Chapter 36 – Pharmacy Benefit Managers* adopted by the 2019 Legislature.

With respect to the Rules section:

- *Chapter 11 – Pharmacies* was amended in January 2019 to add §1129 and 1130 relative to the Uniform Prescription Drug Prior Authorization Form; and

- *Chapter 29 – Prescription Monitoring Program* was amended in January 2019 at §2901 to identify naloxone as a drug of concern.

We removed the section for forms. Those items are more easily found and retrieved from the Board's website.

We added a new section for newsletters. There is a listing of the individual articles in each issue, with a cumulative listing dating back to 1998.

Finally, we have added a new feature throughout the law book. Where the law or rule contains a specific citation, we have hyperlinked those citations to the government source document. Revised Statutes (R.S.) citations are linked to the state legislative website citation database. The citations for the United States Code (U.S.C.) adopted by the US Congress are linked to the congressional code citation database. The citations for the Code of Federal Regulations (C.F.R.) adopted by various federal agencies are linked to the citation database at www.ecfr.gov. We extended the hyperlinks to include all the bulletins and newsletters at the end of the law book; those items are linked to the documents on the Board's website. We are aware there are a limited number of citations in the laws section which are not hyperlinked, for two primary reasons: some of the citations are now obsolete, and some of the citations relate to new laws from the 2019 legislature which have not yet been posted to their citation database.

The *Louisiana Pharmacy Law Book* is an electronic document published in Adobe Acrobat and posted on the Board's website at www.pharmacy.la.gov, on the *Laws & Rules* page. There is no index; however, the document is searchable using the *Search* and *Find* features of the Adobe software platform. You may also find the Table of Content in the front of the book useful in locating information.

For those clients with a preference for the printed version of the book, the board offers a product consisting of the 408-paged book, printed double-sided on three-hole punched paper, ready for placement in your three-ring binder. The product includes the printed pages only with no binder. The product order form (Form No. 203) can be found on the Board's website, in the *Forms & Applications* section.