NOTICE OF INTENT

Department of Health
Board of Pharmacy

Controlled Dangerous Substances (CDS)
(LAC 46:LIII.Chapter 27)

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 Board of Pharmacy hereby gives notice of its intent to amend Chapter 27 of its rules relative to Controlled Dangerous Substances (CDS). The proposed Rule changes seek to streamline the regulatory framework by adopting federal regulations by reference, consolidating any provisions that differ from the Code of Federal Regulations (CFR) into §2713, and repealing all remaining sections containing redundant requirements. The proposed Rule also changes distributor reporting so Automation of Reports and Consolidated Orders System (ARCOS) related reports are provided to the Board only upon request, which reduces ongoing reporting requirements for licensees.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LIII. Pharmacists
Chapter 27. Controlled Dangerous Substances
Subchapter A. General Provisions
§2701. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise; any term not defined herein shall have the definition set forth in R.S. 40:961, or, if not defined there, the common usage and meaning as stated in the *Merriam-Webster's Collegiate Dictionary, Eleventh Edition* (as revised), or other similarly accepted reference texts:

Administer or *Administration*—Repealed.

Agent—Repealed.

Ambulatory Surgical Center or Surgical Center—Repealed.

BNDD—Repealed.

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Central Fill Pharmacy—Repealed.

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Client Pharmacy—Repealed

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CRT—Repealed.

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Deliver or Delivery—Repealed.

Dentist—Repealed.

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Dispense or Dispensing—Repealed.

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Distribute or Distributing—Repealed.

Distributor or Wholesaler—Repealed.

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Electronic Prescription—Repealed.

Emergency Clinic—Repealed.

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Hospital—Repealed.

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Narcotic Treatment Program—Repealed.

Optometrist—Repealed.

Person—Repealed.

Pharmacist—Repealed.

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Physician—Repealed.

Podiatrist—Repealed.

Practice Affiliation—Repealed.

Practitioner—Repealed.

Prescribe or Prescribing—Repealed.

Prescriber—Repealed.

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Reverse Distribute—Repealed.

Reverse Distributor—Repealed.

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Supplier—Repealed.

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Veterinarian—Repealed.

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 46:569 (April 2020), amended LR 46:793 (June 2020), LR 47:1640 (November 2021), LR 48:494 (March 2022), LR 52:

Subchapter C. Requirements

§2713. General Requirements

A. Each CDS licensee shall comply with all applicable provisions of 21 CFR Parts 1300-1399.

B. Records and Reports

1. All records required under 21 CFR Parts 1300-1399 shall be made available to the board, or its authorized agents, for inspection and copying upon request.

2. Reports submitted to the Automation of Reports and Consolidated Orders System (ARCOS) shall be provided to the board upon request.

C. Theft or Significant Loss

1. A licensee shall notify the board in writing of any theft or significant loss of controlled substances, in accordance with 21 CFR Part 1301.

D. Prescription Expiration

1. A prescription for a Schedule II controlled substance shall expire 90 days after the date it is issued.

2. A prescription for a Schedule III or IV controlled substance shall expire six months after the date it is issued or upon completion of the authorized refills specified by the prescriber, whichever occurs first.

3. A prescription for a Schedule V controlled substance shall expire one year after the date it is issued or upon completion of the authorized refills specified by the prescriber, whichever occurs first.

E. Exception to Inventory Requirements of 21 CFR 1304.11

1. Pharmacies shall conduct an annual inventory of all controlled substances on hand. This inventory may be taken on any date, provided it is no later than 385 days after the previous inventory.

2. Pharmacies shall also conduct a new inventory under the following circumstances:

a. upon the designation of a new pharmacist-in-charge;

b. upon discovery of any theft or significant loss of controlled substances;

c. upon the departure of a pharmacist-in-charge; and

d. upon the permanent closure of the pharmacy.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2134 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 52:

§2715. Physical Security Controls for Non-Practitioners

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2135 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2717. Physical Security Controls for Practitioners and Pharmacies

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2137 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2719. Security Controls for Freight Forwarding Facilities

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2138 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2721. Employee Screening by Non-Practitioners

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2138 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

Subchapter D. Labeling and Packaging Requirements

§2723. Symbol Required

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2138 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2725. Location and Size of Symbol on Label and Labeling

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2139 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2727. Sealing of Controlled Substances

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2139 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2729. Labeling and Packaging Requirements for Imported and Exported Controlled Substances

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2139 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

Subchapter E. Recordkeeping Requirements

§2731. General Information

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2139 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:570 (April 2020), repealed LR 52:

§2733. Inventory Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2141 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:570 (April 2020), repealed LR 52:

§2735. Continuing Records

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2142 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:571 (April 2020), amended LR 49:681 (April 2023), repealed LR 52:

§2737. Reports

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2145 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

Subchapter F. Production, Distribution, and Utilization

§2739. Manufacture

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2147 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2741. Distribution

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2147 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:571 (April 2020), repealed LR 52:

§2743. Procurement Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2148 (October 2008), amended LR 39:313 (February 2013), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2745. Prescriptions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2149 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 42:1090 (July 2016), amended LR 47:1645 (November 2021), amended LR 49:1556 (September 2023), repealed LR 52:

§2747. Dispensing Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 46:577 (April 2020), LR 47:1645 (November 2021), amended LR 49:681 (April 2023), LR 50:1827 (December 2024), repealed LR 52:

§2749. Disposal of Controlled Substances

Repealed.

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 46:794 (June 2020), repealed LR 52:

§2751. Distributions and Transfers of Controlled Substances

Repealed.

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 46:571 (April 2020), repealed LR 52:

Subchapter G. Administrative Procedures

§2753. Inspections

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2158 (October 2008), repealed by the Department of Health, Board of Pharmacy, LR 52:

§2755. Seizures

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2158 (October 2008) repealed by the Department of Health, Board of Pharmacy, LR 52:

§2757. Hearings

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2158 (October 2008) repealed by the Department of Health, Board of Pharmacy, LR 52:

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 changes 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 changes 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 changes will have no effect on the functioning of the family.

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

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule changes 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 changes 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 changes 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 changes 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 changes will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule changes 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 changes 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. The proposed Rule changes will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule changes will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small businesses.

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 in the proposed Rule changes.

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:

The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule changes will have no effect on the staffing level requirements required 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 changes will have no impact 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 changes will have no impact 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 carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., 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 changes. The deadline for the receipt of all written comments is 12 p.m. on Thursday, February 26, 2026.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for Thursday, February 26, 2026 at 9 a.m. at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Controlled Dangerous Substances (CDS)

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

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed Rule changes. The cost to the Louisiana Board of Pharmacy is approximately $1,250 in FY 26 and $1,250 in FY 27 for the notice and Rule publication in the *Louisiana Register*.

The proposed Rule changes update the Louisiana Board of Pharmacy's Controlled Dangerous Substances (CDS) rules (LAC 46:LIII, Chapter 27) by adopting applicable federal controlled-substance regulations (21 CFR Parts 1300–1399) by reference, rather than repeating them in state Rule. The Rule consolidates any Louisiana-specific provisions that differ from the federal requirements into §2713 and repeals remaining sections that are redundant. By adopting federal regulations by reference rather than mirroring them, Louisiana's Rule will point directly to the federal requirements; therefore, when the federal regulations are updated, the Board may not need to amend state Rule each time solely to keep the CDS rules consistent with federal law. This approach may generate future savings, though the exact amount is indeterminate. The Rule also changes distributor reporting so Automation of Reports and Consolidated Orders System (ARCOS) related reports are provided to the Board only upon request, which reduces ongoing reporting requirements for licensees.

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

The proposed Rule changes are not anticipated to impact the revenue collections of state or local governmental units.

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

The proposed Rule changes are anticipated to benefit Controlled Dangerous Substances (CDS) licensees by eliminating redundant state requirements and consolidating any provisions that differ from federal regulations into §2713.

Additionally, the proposed Rule changes revise the current requirement for distributors to regularly submit ARCOS reports to the Board. Under the new Rule, reports will only be required upon request, reducing the reporting burden and creating cost savings that are indeterminate.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule changes are not anticipated to impact competition and employment.

M. Joseph Fontenot
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Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office