

1 Title 46

2 PROFESSIONAL AND OCCUPATIONAL STANDARDS

3 Part LIII. Pharmacists

4 Chapter 11. Pharmacies

5 Subchapter A. General Requirements

6 §1115. Advertising

7 A. False, fraudulent, deceptive, or misleading advertising as prohibited by R.S. 37:1241 of the Pharmacy Practice
8 Act and this Section shall include, but is not limited to, any public misrepresentation done or made with the knowledge,
9 whether actual or constructive, that is untrue or illegal, or is said to be done falsely when the meaning is that the party
10 is in fault for its error. Actual or constructive knowledge as used in this context shall include intentionally, negligently,
11 mistakenly, or accidentally representing an untrue fact.

12 B. No person shall carry on, conduct, or transact business under a name which contains a part thereof the words
13 "pharmacist", "pharmacy", "apothecary", "apothecary shop", "chemist's shop", "drug store", "druggist", "drugs", or
14 any word or words of similar or like import, or in any manner by advertisement, circular, poster, sign, or otherwise
15 describe or refer to a place of business by the terms of "pharmacy", "apothecary", "apothecary shop", "chemist's shop",
16 "drug store", "drugs", or any word or words of similar or like import, unless the place of business is a pharmacy validly
17 permitted by the board.

18 C. Pharmacies and pharmacists are prohibited from advertising professional ability, experience, integrity,
19 professional qualifications, or soliciting professional practice by means of providing prescribers of prescriptions with
20 prescription forms imprinted with any material referring to a pharmacy or pharmacist.

21 D. No advertising shall include any reference, direct or indirect, to any controlled dangerous substance as provided
22 for in Schedules II, III, IV, or V of R.S. 40:964. The provision of coupons or vouchers for controlled substances
23 through authorized prescribers, which accompany legitimate prescriptions for such controlled substances issued to
24 patients, shall not be prohibited by this Section.

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

26 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311 (October
27 1997), amended LR 29:2089 (October 2003), effective January 1, 2004, LR 33:1131 (June 2007), amended by the Department of
28 Health, Board of Pharmacy, LR 46:580 (April 2020), amended LR
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