

Regular Session, 2011

HOUSE BILL NO. 579

BY REPRESENTATIVE ROBIDEAUX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DRUGS: Restricts the sale of nonprescription concentrated acetaminophen analgesic or antipyretic pediatric medications

1 AN ACT

2 To enact R.S. 37:1226.1, relative to the sale of concentrated acetaminophen analgesic or
3 antipyretic pediatric medication; to provide for definitions; to require the sale of
4 concentrated acetaminophen analgesic or antipyretic pediatric medication by a
5 licensed pharmacist or his employee after dosing and administration instructions are
6 provided to the purchaser; to authorize licensed prescribers to dispense concentrated
7 acetaminophen analgesic or antipyretic pediatric medication; to provide for civil
8 penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:1226.1 is hereby enacted to read as follows:

11 §1226.1. Sale of nonprescription concentrated acetaminophen analgesic or
12 antipyretic pediatric medications; restrictions; penalties

13 A. For the purposes of this Section, the following words or terms have the
14 meaning ascribed to them in this Section, unless the context clearly indicates a
15 different meaning:

16 (1) "Concentrated acetaminophen analgesic or antipyretic pediatric
17 medication" shall mean any product that is marketed for use by infants and children
18 less than five years of age and has a concentration of acetaminophen of more than
19 34mg/1ml.

1 (2) "Licensed prescriber" shall mean a physician or other health care
2 practitioner with applicable statutory authority to prescribe medication.

3 (3) "On-site facility" shall mean and refer to the location of a building that
4 houses a board permitted pharmacy.

5 B.(1) Whenever a nonprescription drug that qualifies as a concentrated
6 acetaminophen analgesic or antipyretic pediatric medication is offered for sale, such
7 drug shall be kept within the confines of the area of the retail store licensed by the
8 Louisiana Board of Pharmacy as an on-site facility and shall be sold in this state only
9 by a licensed pharmacist after such pharmacist provides instructions relating to the
10 appropriate dosage and administration based on the age, body weight, and symptoms
11 of the child as required by rule, regulation or standard of care.

12 (2) A certified pharmacy technician or an employee may accept payment for
13 a concentrated acetaminophen analgesic or antipyretic pediatric medication, in the
14 on-site facility area of a retail store, provided that such person is working under the
15 direction of a licensed pharmacist and such pharmacist has provided dosing and
16 administration instructions to the purchaser prior to the sale.

17 C. Nothing in this Section shall prevent the dispensation of a concentrated
18 acetaminophen analgesic or antipyretic pediatric medication by any person who is
19 a licensed prescriber in the state of Louisiana.

20 D. Any person or entity that is determined by the Louisiana Board of
21 Pharmacy, the Department of Health and Hospitals, or the Department of Public
22 Safety and Corrections, office of state police, after notice and an opportunity for a
23 hearing, to have violated any provision of this Section or any rule, regulation, or
24 order promulgated or issued in accordance with this Section shall be liable to satisfy
25 a civil penalty of one thousand five hundred dollars per violation, except that the
26 maximum civil penalty shall not exceed ten thousand dollars for any related series
27 of violations.

28 Section 2. This Act shall be known and cited as "Brianna's Law".

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Robideaux

HB No. 579

Abstract: Requires the sale of nonprescription analgesic pediatric medications by a licensed pharmacist or his employee only after providing the purchaser with dosing and administration instructions.

Proposed law provides that the for the purposes of proposed law the following definitions shall apply:

- (1) "Concentrated acetaminophen analgesic or antipyretic pediatric medication" shall mean any product that is marketed for use by infants and children less than five years of age and has a concentration of acetaminophen of more than 34mg/1ml.
- (2) "Licensed prescriber" shall mean a physician or other health care practitioner with applicable statutory authority to prescribe medication.
- (3) "On-site facility" shall mean and refer to the location of a building that houses a board permitted pharmacy.

Proposed law provides that whenever a nonprescription drug that qualifies as a concentrated acetaminophen analgesic or antipyretic pediatric medication is offered for sale, such drug shall be kept within the confines of the area of the retail store licensed by the Louisiana Board of Pharmacy as the on-site facility and shall be sold in this state only by a licensed pharmacist after such pharmacist provides instructions relating to the appropriate dosage and administration based on the age, body weight, and symptoms of the child as required by rule, regulation or standard of care.

Proposed law authorizes a certified pharmacy technician or an employee to accept payment for a concentrated acetaminophen analgesic or antipyretic pediatric medication, in the on-site facility area of a retail store, if the person is working under the direction of a licensed pharmacist and such pharmacist has already provided dosing and administration instructions to the purchaser prior to the sale.

Proposed law specifies that these provisions shall not prevent the dispensation of a "concentrated acetaminophen analgesic or antipyretic pediatric medication" by any person who is a licensed prescriber in the state of Louisiana.

Proposed law provides that any person or entity that is determined by the La. Board of Pharmacy, the Dept. of Health and Hospitals, or the Dept. of Public Safety and Corrections, office of state police, after notice and an opportunity for a hearing, to have violated any provision of proposed law or any rule, regulation, or order promulgated or issued in accordance with this proposed law will be liable to satisfy a civil penalty of \$1,500 per violation, except that the maximum civil penalty cannot not exceed \$10,000 for any related series of violations.

Proposed law indicates that the provisions of proposed law shall be known and cited as "Brianna's Law".

(Adds R.S. 37:1226.1)