

Regular Session, 2012

HOUSE BILL NO. 688

BY REPRESENTATIVE LIGI

DRUGS/CONTROLLED: Provides relative to products containing pseudoephedrine, ephedrine, and phenylpropanolamine

1 AN ACT

2 To amend and reenact R.S. 40:964(Schedule V)(E) and to repeal R.S. 40:962.1, 962.1.1, and
3 Part X-F, comprised of R.S. 40:1049.1 through 1049.11, relative to products
4 containing pseudoephedrine, ephedrine, and phenylpropanolamine; to require that
5 the sale of products containing pseudoephedrine, ephedrine, and
6 phenylpropanolamine require a prescription; to repeal provisions of law regarding
7 the sale of certain products containing ephedrine, pseudoephedrine, and
8 phenylpropanolamine; to repeal provisions of law regarding the monitoring of the
9 purchase of nonprescription products containing ephedrine, pseudoephedrine, and
10 phenylpropanolamine; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 40:964(Schedule V)(E) is hereby amended and reenacted to read as
13 follows:

14 §964. Composition of schedules

15 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.
16 40:962, consist of the following drugs or other substances, by whatever official
17 name, common or usual name, chemical name, or brand name designated:

18 * * *
19 SCHEDULE V
20 * * *

1 E.(1) Ephedrine, pseudoephedrine, phenylpropanolamine. Unless listed in
2 another schedule, any material, compound, mixture, or preparation containing any
3 detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, their
4 salts or optical isomers, or salts of optical isomers.

5 ~~(2)(a) Nonprescription products containing ephedrine, pseudoephedrine, or~~
6 ~~phenylpropanolamine shall not be sold or distributed in a quantity greater than nine~~
7 ~~grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base to the~~
8 ~~same purchaser within any thirty-day period.~~

9 ~~(b) Notwithstanding the Pursuant to the prescription requirements for~~
10 ~~Schedule V controlled dangerous substances as provided for in R.S. 40:978(C),~~
11 ~~nonprescription products containing ephedrine, pseudoephedrine, or~~
12 ~~phenylpropanolamine may shall not be dispensed without a prescription.~~

13 ~~(3)(a) No person shall purchase, receive, or otherwise acquire more than nine~~
14 ~~grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base within~~
15 ~~any thirty-day period.~~

16 ~~(b) This limit shall not apply to any quantity of such product, mixture, or~~
17 ~~preparation dispensed pursuant to a valid prescription written by a licensed health~~
18 ~~care professional having prescriptive authority.~~

19 ~~(4) Wholesale drug distributors licensed by the Louisiana State Board of~~
20 ~~Wholesale Drug Distributors and registered with the United States Drug~~
21 ~~Enforcement Administration shall be exempt from the storage, reporting, record~~
22 ~~keeping, and physical security requirements for controlled dangerous substances for~~
23 ~~nonprescription products containing ephedrine, pseudoephedrine, and~~
24 ~~phenylpropanolamine which are not listed in another schedule.~~

25 ~~(5) Except for sales log requirements and the transmittal of transaction~~
26 ~~information to the central computer monitoring system authorized by the provisions~~
27 ~~of Part X-F of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950,~~
28 ~~pharmacies and pharmacists licensed by the Louisiana Board of Pharmacy and~~
29 ~~registered with the United States Drug Enforcement Administration shall be exempt~~

1 from the storage, reporting, record keeping, and physical security requirements for
2 controlled dangerous substances for nonprescription products containing ephedrine,
3 pseudoephedrine, or phenylpropanolamine which are not listed in another schedule.

4 ~~(6) The transaction information provided for in R.S. 40:1049.3 for the~~
5 ~~purchase of a nonprescription product containing ephedrine, pseudoephedrine, or~~
6 ~~phenylpropanolamine shall constitute an "order from a practitioner" as provided for~~
7 ~~in R.S. 40:970(C). Possession of a nonprescription product containing ephedrine,~~
8 ~~pseudoephedrine, or phenylpropanolamine pursuant to a valid transaction as~~
9 ~~provided for in R.S. 40:1049.3 shall be a defense for a violation of R.S. 40:970(C).~~

10 Section 2. R.S. 40:962.1, 962.1.1, and Part X-F, comprised of R.S. 40:1049.1
11 through 1049.11, are hereby repealed in their entirety.

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)]

Ligi

HB No. 688

Abstract: Requires a prescription for the sale of products containing ephedrine, pseudoephedrine, or phenylpropanolamine.

Present law provides that any compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, its salts or optical isomers, or salts of optical isomers compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers shall be a Schedule V drug, but does not require a prescription.

Proposed law requires that products containing ephedrine, pseudoephedrine, or phenylpropanolamine require a prescription but retains the Schedule V classification.

Present law provides for limitations on the quantities of compounds containing ephedrine, pseudoephedrine, and phenylpropanolamine which may be purchased at one time.

Present law provides that a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, its salts or optical isomers, or salts of optical isomers shall only be dispensed, sold, or distributed by licensed pharmacists at a pharmacy permitted by the La. Board of Pharmacy.

Present law provides that in order to facilitate the monitoring of sales of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine, the pharmacist, certified pharmacy technician, or other pharmacy employee shall record certain information regarding the transaction.

Present law provides that upon recordation of the transaction information, the pharmacy shall transmit the information immediately to a central computer system for purposes of

monitoring the sales of these products. The central computer system shall be designed and operated to allow the monitoring and reading of sales information regarding products containing ephedrine, pseudoephedrine, and phenylpropanolamine at the point of sale instantly and on a real time basis.

Proposed law repeals these provisions of present law.

(Amends R.S. 40:964(Schedule V)(E); Repeals R.S. 40:962.1, 962.1.1, and R.S. 40:1049.1-1049.11)