

2016 Regular Session

SENATE BILL NO. 133

BY SENATOR JOHNS

HEALTH CARE. Provides for prescription drug access. (8/1/16)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To enact R.S. 37:1165, relative to prescription drug access; to provide for access to a pharmacy of the patient's choice; to ensure patient access to a drug if it is routinely available; to prohibit use of certain terminology; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1165 is hereby enacted to read as follows:

§1165. Access to prescription drugs

A. Notwithstanding any other provision of law to the contrary, each prescription drug commercially and ordinarily available to the patient in Louisiana through a pharmacy of their choosing shall be available to any patient upon submission of a valid prescription as determined under the provisions of this Chapter from a pharmacy of the patient's choosing if the pharmacy has the drug in their possession or is able to acquire the drug for the patient's use.

B. No one shall prohibit a patient's access to a prescription drug to address their maintenance or improvement of their health or to address any

1 disease or condition by use of phrases or terminology if all of the following
2 apply:

3 (1) The pharmacy is licensed under this Chapter.

4 (2) The pharmacist is educated and licensed under this Chapter.

5 (3) The drug is commercially and routinely available to pharmacies of
6 this state.

7 C. Prohibited phrases or terminology as set forth in Subsection B of this
8 Section shall include the terms "specialty drugs" or "specialty pharmacy" used
9 with the intent of interfering with patient access as provide for in this Section.

10 Section 2. This Act shall become effective on August 1, 2016; if vetoed by the
11 governor and subsequently approved by the legislature, this Act shall become effective on
12 August 1, 2016, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christine Arbo Peck.

SB 133 Original

DIGEST
2016 Regular Session

Johns

Proposed law enables a patient with a valid prescription to access their drug at a pharmacy of their choosing if the drug is available or the pharmacy can acquire the drug. Further provides that no one shall prohibit access if the pharmacy and pharmacist are licensed and the drug is commercially available. Provides that "specialty drug" and "specialty pharmacy" are phrases that shall not be used to limit access.

Effective August 1, 2016.

(Adds R.S. 37:1165)