

Regular Session, 2011

SENATE BILL NO. 205

BY SENATOR GUILLORY

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

HEALTH CARE. Provides relative to the reuse of medication returned from a correctional facility.(gov sig)

1 AN ACT

2 To enact R.S. 37:1226.3, relative to the prescription drugs; to provide relative to charitable

3 pharmacies; to provide for exchanges and re-dispensing in pharmacies under the

4 authority of the Department of Public Safety and Corrections; to provide for the

5 authority to promulgate rules and regulations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1226.3 is hereby enacted to read as follows:

8 **§1226.3. Prescription drugs, returns, exchanges and re-dispensing in**

9 **pharmacies operated by or under contract with the Department**

10 **of Public Safety and Corrections; authority to promulgate rules.**

11 **A. All drugs dispensed on prescription to an offender in the custody of**

12 **the Department of Public Safety and Corrections shall be accepted for return,**

13 **exchange or re-dispensing by a pharmacy operated by or under contract with**

14 **the department.**

15 **B. The pharmacist in charge of the charitable pharmacy shall determine**

16 **that the returned drug is not adulterated or misbranded and is safe to dispense.**

17 **No product shall be re-dispensed by the pharmacist if the integrity of the**

1            **medication cannot be assured.**  
2                    **C. The Louisiana Board of Pharmacy shall have the authority to**  
3                    **promulgate rules in accordance with the Administrative Procedure Act for the**  
4                    **purpose of administering the provisions of this Section.**

5            Section 2. This Act shall become effective upon signature by the governor or, if not  
6            signed by the governor, upon expiration of the time for bills to become law without signature  
7            by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
8            vetoed by the governor and subsequently approved by the legislature, this Act shall become  
9            effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Bobbie Hunter.

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#### DIGEST

Present law applies exemptions to drugs that are donated to charitable pharmacies from penal institution pharmacies.

Proposed law removes the exemption of penal institutions and provides that all drugs dispensed on prescription to an offender in the custody of DPS&C shall be accepted for return, exchange or re-dispensing by a pharmacy operated by, or under contract with the department.

Proposed law requires that the pharmacist in charge of the charitable pharmacy shall determine if the drug is not adulterated or misbranded and is safe to dispense. No product where integrity cannot be assured shall be accepted for re-dispensing by the pharmacist of the charitable pharmacy.

Proposed law authorizes the La. Board of Pharmacy to promulgate rules and regulations.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:1226.3)