

SENATE BILL NO. 205

BY SENATOR GUILLORY

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

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AN ACT

To enact R.S. 37:1226.3, relative to prescription drugs; to provide for exchanges and re-dispensing in pharmacies under the authority of the Department of Public Safety and Corrections; to provide for limitation of liability; to provide for the authority to promulgate rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§1226.3. Prescription drugs, returns, exchanges and re-dispensing in pharmacies operated by or under contract with the Department of Public Safety and Corrections; authority to promulgate rules.

A. All drugs dispensed on prescription to an offender in the custody of the Department of Public Safety and Corrections shall be accepted for return, exchange or re-dispensing by a pharmacy operated by or under contract with the department.

B. The pharmacist in charge of the pharmacy shall determine that the returned drug is not adulterated, expired, or misbranded and is safe to dispense. No product shall be re-dispensed by the pharmacist if the integrity of the medication cannot be assured.

C. No pharmaceutical manufacturer shall be liable for any claim or injury arising from the re-dispensing of any prescription drug pursuant to the provisions of this Section, including but not limited to liability for failure to transfer or communicate product or consumer information regarding the re-dispensed drug, as well as the expiration date of the re-dispensed drug.

D. The Louisiana Board of Pharmacy shall have the authority to promulgate rules in accordance with the Administrative Procedure Act for the purpose of administering the provisions of this Section.

Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____