

SENATE BILL NO. 223

BY SENATOR MOUNT

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

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AN ACT

To amend and reenact R.S. 40:978(A) and (B) and R.S. 46:2622(17) and to enact R.S. 40:978(D), relative to electronic prescribing; to allow for the electronic prescribing of certain controlled dangerous substances; to provide for definition of prescription for the purposes of the Louisiana Medical Assistance Trust Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:978(A) and (B) are hereby amended and reenacted and R.S. 40:978(D) is hereby enacted to read as follows:

§978. Prescriptions

A. Except when dispensed or administered directly by a medical practitioner or administered by a person authorized to administer by such practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in Schedule II, which is a prescription drug as determined under the Louisiana Revised Statutes, of 1950, may be dispensed or administered without either the written prescription of a practitioner, **or an electronic prescription order as provided by federal law or regulation**, except that in emergency situations, as prescribed by the department by regulation, such drug may be dispensed or administered upon oral prescription reduced promptly to writing and filed by the pharmacist. Prescriptions shall be retained in conformity with the requirements of R.S. 40:976. No prescription for a Schedule II substance may be refilled.

B. Except when dispensed or administered directly by a practitioner or administered by a person authorized to administer by such practitioner, other than a pharmacist, to an ultimate user, no controlled dangerous substance included in Schedule III and IV which is a prescription drug as determined under the Louisiana

1 Revised Statutes may be dispensed or administered without either a written
2 prescription, or an oral prescription, or an electronic prescription order as
3 provided by federal law or regulation. Such prescription may not be filled or
4 refilled more than six months after the date thereof or refilled more than five times
5 after the date of the prescription, unless renewed by the practitioner.

6 * * *

7 D. Notwithstanding the requirements of this Section, a prescription for
8 a controlled substance listed in Schedule II, III, IV, or V may be generated,
9 signed, transmitted, and received in electronic form, but only in conformance
10 with the federal rules established by the United States Drug Enforcement
11 Administration at 21 CFR 1311.

12 Section 2. R.S. 46:2622(17) is hereby amended and reenacted to read as follows:

13 §2622. Definitions

14 As used in this Chapter, the following terms shall have the following
15 meanings:

16 * * *

17 (17) "Prescription" means a physician's order, written, ~~or~~ oral, or
18 electronically transmitted for a drug, chemical, medicine, device, or a combination
19 thereof, that is filled, compounded, or dispensed by a licensed or registered
20 pharmacist or dispensing physician.

21 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____