SLS 20RS-878 ORIGINAL

2020 Regular Session

SENATE BILL NO. 488

BY SENATOR ABRAHAM

PHARMACISTS. Provides relative to restrictions on the quantity of controlled substances dispensed, (8/1/20)

1 AN ACT

To enact R.S. 37:1233, relative to pharmacies; to prohibit corporations that own and operate multiple pharmacies from implementing policies and procedures that restrict the quantity of controlled substances dispensed or restrict the prescriber; to provide for an exception; to prohibit retaliation; to provide for a civil penalty; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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Section 1. R.S. 37:1223 is hereby enacted to read as follows:

§ 1233. Prohibited acts

A. A corporation which owns and operates multiple pharmacy locations, including all chain pharmacies operating as individual organizations, in this state shall be prohibited from establishing or implementing any policy or practice in a pharmacy located in this state that places a restriction on the quantity or dosage of a prescription for a controlled substance or places a restriction on filling a prescription for a controlled substance issued by a specific prescriber; provided, however, that nothing in this subsection shall prohibit an individual pharmacist from declining to fill a prescription based on

1	his or her professional judgment, if such pharmacist reasonably believes such
2	prescription is not for a legitimate medical purpose, is not in the patient's best
3	interest, or was written by a prescriber who has been subject to an enforcement
4	action resulting from controlled substance prescribing by any state or federal
5	agency or entity.
6	B. No corporation which owns and operates multiple pharmacy
7	locations in this state may subject any pharmacist, pharmacy intern or
8	pharmacy technician to an adverse action on the basis that such individual has
9	opposed any practice or policy prohibited by this Section.
10	C. A pharmacist failing to practice pharmacy using his or her free and
11	complete exercise of professional independent judgment and skill in accordance
12	with this chapter and the code of professional conduct established by the board
13	may be subject to disciplinary action pursuant to the authority of the board;
14	provided, however, that it shall not be considered unprofessional conduct for
15	any pharmacist to refuse to fill any prescription based on his or her professional
16	judgment or ethical or moral beliefs.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

> **DIGEST** 2020 Regular Session

Abraham

Present law grants discretion to individual pharmacists to decline to fill a prescription based on his or her professional judgment.

Proposed law retains present law and prohibits chain pharmacies from enforcing any policy which would restrict the quantity or dosage of a prescription for a controlled substance or restricts a filling a prescription for a controlled substance issued by a specific prescriber.

Effective August 1, 2020.

(Adds R.S. 37:1223)

SB 488 Original