

SENATE BILL NO. 19

BY SENATOR MCPHERSON AND REPRESENTATIVES WALKER AND DURAND

1 AN ACT

2 To amend and reenact R.S. 37:1226.2(B)(1) and (2) and to enact R.S. 37:1226.2(F), (G),  
3 (H), and (I), relative to the donation of prescription drugs to free pharmacies; to  
4 require free pharmacies to accept certain prescription drugs; to allow dispensing at  
5 the discretion of the pharmacist; to provide for mandatory donation of certain  
6 prescription drugs to charitable pharmacies under certain circumstances; to provide  
7 for a deduction of any such charges when unopened prescription drugs are returned,  
8 unused to a pharmacy; to provide for a definition; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:1226.2 (B)(1) and (2) are hereby amended and reenacted and R.S.  
11 37:1226.2(F), (G), (H), and (I) are hereby enacted to read as follows:

12 §1226.2. Prescription drug returns, exchanges, and redispensing; donation  
13 requirements; authority to promulgate rules; limitation of liability

14 \* \* \*

15 B. Donations of prescription drugs to a charitable pharmacy are subject to  
16 the following requirements:

17 (1) The charitable pharmacy may accept ~~only those~~ drugs in their original  
18 sealed and tamper-evident packaging; ~~except that~~ **including** drugs packaged in  
19 single-unit doses, **including blister packs**; ~~may be accepted, and~~ **These drugs may**  
20 **be** dispensed when the outside packaging is opened if the single-unit dose packaging  
21 is intact, **subject to the provisions of Paragraph (B)(2) of this Section.**

22 (2) The pharmacist in charge of the charitable pharmacy shall determine if  
23 the drug is not adulterated or misbranded and is safe to dispense. No product where

1 the integrity of the medication cannot be assured shall be ~~accepted for redispensing~~  
2 redispensed by the pharmacist of the charitable pharmacy.

3 \* \* \*

4 F. A hospital, health care facility, or governmental entity enrolled in the  
5 Medicaid program shall attempt to donate all unused or surplus prescription  
6 drugs meeting the criteria in Subsections A and B of this Section to charitable  
7 pharmacies. The provisions of this Subsection shall not apply to any hospital,  
8 health care facility, or governmental entity owned by or operated by an agency  
9 or department of the executive branch of the state.

10 G. In the event such hospital, health care facility or governmental entity  
11 does not have a charitable pharmacy within twenty miles of its location, the  
12 charitable pharmacy shall have the obligation to obtain those prescription  
13 drugs. In the event the charitable pharmacy is unable to make such  
14 arrangements, there shall be no requirement on the part of the hospital, health  
15 care facility or governmental entity to donate the drugs.

16 H. Notwithstanding any other provision of law to the contrary, a faith-  
17 based charitable pharmacy shall not be required to accept any prescription  
18 drugs it deems to conflict with its faith values.

19 I. For the purpose of this Section, “governmental entity” shall mean a  
20 health care facility owned and operated by a political subdivision of the state.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_