

2024 Regular Session

HOUSE BILL NO. 813

BY REPRESENTATIVES EDMONSTON, AMEDEE, BAYHAM, CREWS,
DICKERSON, EGAN, HORTON, OWEN, SCHAMERHORN, WILDER, AND
MCCORMICK

DRUGS/PRESCRIPTION: Provides relative to prescribing, administering, and dispensing
of drugs for off-label use

1 AN ACT

2 To enact R.S. 37:1704, relative to prescribing, administering, and dispensing of drugs by
3 certain licensed healthcare professionals; to provide for prescription, administration,
4 and dispensing of certain drugs for off-label use by healthcare professionals with
5 prescriptive authority; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1704 is hereby enacted to read as follows:

8 §1704. Prescription, administration, and dispensing of FDA-approved drugs for
9 off-label use

10 A. As used in this Section, the following terms mean:

11 (1) "FDA" means the United States Food and Drug Administration.

12 (2) "Off-label use" means the use of a prescription drug for an indication for
13 which it has not been approved by the FDA or the use of such drug in an age group,
14 dosage, or route of administration that has not been approved by the FDA.

15 B. No licensing board or commission created by the provisions of this Title
16 shall prohibit or restrict the prescribing, administering, or dispensing for an off-label
17 use of a human drug that has been approved for a specific use by the FDA during a
18 declared public health emergency.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 813 Reengrossed

2024 Regular Session

Edmonston

Abstract: Provides that no healthcare professional licensing board of the state shall prohibit or restrict the prescribing, administering, or dispensing of drugs for off-label use.

Present law provides for licensure and regulation by the state of various types of healthcare professionals.

Proposed law retains present law and provides that no healthcare professional licensing board or commission shall prohibit or restrict the prescribing, administering, or dispensing for an off-label use of a human drug that has been approved for a specific use by the U.S. Food and Drug Administration (FDA) during a declared public health emergency.

Proposed law defines "off-label use", for purposes of proposed law, as the use of a prescription drug for an indication for which it has not been approved by the FDA or the use of such drug in an age group, dosage, or route of administration that has not been approved by the FDA.

(Adds R.S. 37:1704)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Remove the La. Dept. of Health from the list of entities prohibited from making rules limiting off-label use of drugs approved by the FDA.

The House Floor Amendments to the engrossed bill:

1. Add that a board or commission may not prohibit prescribing, administering, or dispensing a drug for a human that was approved by the FDA during a declared public health emergency.