

SENATE BILL NO. 223

BY SENATOR MOUNT

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

1 AN ACT

2 To amend and reenact R.S. 40:978(A) and (B) and R.S. 46:2622(17) and to enact R.S.
3 40:978(D), relative to electronic prescribing; to allow for the electronic prescribing
4 of certain controlled dangerous substances; to provide for definition of prescription
5 for the purposes of the Louisiana Medical Assistance Trust Fund; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:978(A) and (B) are hereby amended and reenacted and R.S.
9 40:978(D) is hereby enacted to read as follows:

10 §978. Prescriptions

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

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

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

* * *

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

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

§2622. Definitions

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

* * *

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

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____