

LOUISIANA**PRODUCTS:**

- Single entity and combination pseudoephedrine (PSE), ephedrine (EPH) and phenylpropanolamine (PPA) products.

EXEMPTIONS:

- 9g/30 day sales & purchase limit can be exceeded if purchaser presents prescription. (LA R.S. 40:1049.2)

SALES RESTRICTIONS:

- Products containing ephedrine, pseudoephedrine, phenylpropanolamine are designated as schedule V drug. (LA R.S. 40:964)
- A nonprescription material, compound, mixture, or preparation containing any detectable quantity EPH, PSE, or PPA shall be dispensed, sold, or distributed only by a licensed pharmacist, certified pharmacy technician, or pharmacy employee permitted by the Louisiana Board of Pharmacy. (LA R.S. 40:1049.2)
- The requirements LA R.S. 40:1049.3 shall not apply to any quantity of such product, mixture, or preparation dispensed pursuant to a valid prescription from a licensed practitioner with prescriptive authority. (LA R.S. 40:1049.2)

SALES LIMIT/PURCHASE LIMIT:

- May not sell or distribute in a quantity greater than 9g of EPH, PSE, and PPA within a 30day period. (LA R.S. 40:964)
- A pharmacist, certified pharmacy technician, or pharmacy employee may sell or distribute nonprescription products containing EPH, PSE, or PPA however; those drugs shall not be distributed in a quantity greater than 9g of EPH, PSE, and PPA within a 30day period. (LA R.S. 40:1049.2)
- No person shall purchase, receive, or otherwise acquire more than 9g of any product, mixture, or preparation of EPH, PSE, or PPA within a 30 day period. (LA R.S. 40:964)

ID REQUIREMENTS:

- Purchaser must produce a federal or state issued photo ID or document that with respect to identification is considered acceptable for purposes of Sections 274a2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of Title 8, Code of Federal Regulations (as in effect on or after March 9, 2006.) (LA R.S. 40:1049.2)

TRANSACTION RECORDS/ELECTRONIC LOG:

- Purchaser must sign a written or electronic log or receipt showing the date of transaction, name of the purchaser, amount of material, compound, mixture, or preparation sold. (LA R.S. 40:1049.2)

- Pharmacist/certified pharmacy technician/other pharmacy employee shall record all of the following information at the point of sale regarding the transaction: date of transactions, name, address of the purchaser verified through photo identification as provided for in LA R.S. 40:1049.3 (B)(1)(9)(a). Name and quantity of packages, total gram weight of the product or products purchased, received, or otherwise acquired. (LA R.S. 40:1049.2)
- Upon recordation of the transaction information, the pharmacy shall transmit the information immediately to a central computer system for purposes of monitoring the sales of these products as provided for in this LA R.S. 40:1049.1. (LA R.S. 40:1049.2)
- The central computer system authorized by the provisions shall be designed and operated to allow the monitoring and reading of sales information regarding products containing EPH, PSE, or PPA at the point of sale instantly and on a real-time basis.
- The central computer monitoring system shall be capable of providing an online computer alert, to ensure direct scrutiny of conditions which would violate the sales restrictions and limits by law enforcement. (LA R.S. 40:1049.2)
- Pharmacies not required to maintain transaction records separate from the log book that is required under 21 U.S.C. 830(e). Use of the central monitoring system as required shall be deemed to satisfy both of these purposes.

ELECTRONIC LOG PROGRAM FUNDING:

- Funding for the acquisition, implementation, and operation of the central computer monitoring system shall be funded through appropriation, gifts, grants, donations, or any other funding sources not otherwise prohibited by law. (LA R.S. 40:1049.5)
- The maintenance of the central computer monitoring system shall be funded through appropriation, gifts, grants, donations, or any other funding sources not otherwise prohibited by law. (LA R.S. 40:1049.5)
- The transmittal of transaction information of products containing EPH, PSE, or PPA as authorized by the provisions of this Part is contingent upon the acquisition, implementation, and operation of the central computer monitoring system. (LA R.S. 40:1049.10)
- No licensed pharmacist, certified pharmacy technician, or pharmacy employee at a pharmacy located in Louisiana and permitted by the Louisiana Board of Pharmacy shall be required to transmit data to the central computer monitoring system until the funding for the acquisition and implementation of the central computer monitoring system has been secured through appropriation, gifts, grants, donations, or any other funding sources not otherwise prohibited by law. (LA R.S. 40:1049.5)

SELLER RESPONSIBILITIES: STOP SALES; REPORTING

- Pharmacist, certified pharmacy technician, other pharmacy employee not required to complete a sale of product containing EPH, PSE, or PPA even if the pharmacist, certified pharmacy technician, other pharmacy employee observes a warning or signal from the central computer monitoring system which indicates that the purchaser has purchased those products in amounts which exceeds the amount which can be purchased by law. (LA R.S. 40:1049.6)
- Pharmacist, certified pharmacy technician, or pharmacy employee may report suspected violations or any other law to any local, state, or federal law enforcement agency, or the appropriate prosecutorial agency for further investigation or prosecution. (LA R.S. 40:1049.6)
- No pharmacist, certified pharmacy technician, or pharmacy employee who in good faith reports suspected violations as provided shall be liable to any person or entity for any claim of damages as a result of the act of reporting the information, and no lawsuit may be predicated thereon. (LA R.S. 40:1049.6)
- No pharmacy, licensed pharmacist, certified pharmacy technician, or pharmacy employee at a pharmacy located in Louisiana and permitted by the Louisiana Board of Pharmacy shall be held responsible for failure to transmit transaction information at any time the central computer monitoring system is rendered inoperable due to natural disaster, tampering, or any other reason. (LA R.S. 40:1049.10)

RETAILER LIABILITY EXEMPTION:

- Pharmacies that document that employees signed a written statement acknowledging awareness of restrictions placed on non-exempt PSE, EPH and PPA products are exempt from liability. (LA R.S. 40:962.1.2)
- The owner or operator of a retail pharmacy, who has submitted to the United States Attorney General a self-certification in accordance with the requirements of 21 U.S.C. 830(e) regarding training of employees engaged in the sale of products containing EPH, PSE, PPA shall not be liable for violations of this Act by the retail pharmacy's employees. (LA R.S. 40:1049.11)
- No licensed pharmacist, certified pharmacy technician, or pharmacy employee at a pharmacy located in Louisiana and permitted by the Louisiana Board of Pharmacy shall be personally liable for any act or omission resulting in damage, injury, or loss arising out of the dispensing of a compound containing EPH, PSE, PPA and the transmittal of that transaction to the central computer monitoring program as authorized by the provisions of this Part; however, this limitation of liability shall not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the pharmacist, certified pharmacy technician, or pharmacy employee. (LA R.S. 40:1049.11)
- No pharmacy, licensed pharmacist, certified pharmacy technician, or pharmacy employee at a pharmacy located in Louisiana and permitted by the Louisiana

Board of Pharmacy shall be held responsible for failure to transmit transaction information at any time the central computer monitoring system is rendered inoperable due to natural disaster, tampering, or any other reason. (LA R.S. 40:1049.10)

PREEMPTION:

- A parish or municipal government authority may regulate the selling, delivering, or providing of packages or grams of pseudoephedrine, ephedrine, or phenylpropanolamine only in a manner that is not more or less restrictive than regulation by the state. (LA R.S. 40:1049.2)

OTHER:

- Wholesale drug distributors licensed by the Louisiana State Board of Wholesale Drug Distributors and registered with the United States Drug Enforcement Administration shall be exempt from the storage, reporting, record keeping, and physical security requirements for controlled dangerous substances for nonprescription products containing EPH, PSE, or PPA which are not listed in another schedule. (LA R.S. 40:964)
- Except for sales log requirements and the transmittal of transaction information to the central computer monitoring system authorized by the provisions of Part X-F of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, pharmacies and pharmacists licensed by the Louisiana Board of Pharmacy and registered with the United States Drug Enforcement Administration shall be exempt from the storage, reporting, record keeping, and physical security requirements for controlled dangerous substances for nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine which are not listed in another schedule. (LA R.S. 40:964)
- Pharmacist, certified pharmacy technician, or pharmacy employee selling or distributing nonprescription products containing EPH, PSE, or PPA shall be exempt from the rules relative to the record keeping requirements for the dispensing of those nonprescription controlled dangerous substances; however, the pharmacist, certified pharmacy technician, or pharmacy employee shall record the transaction information and transmit it to the central computer monitoring system. (LA R.S. 40:1049.2)