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To: Mr. M. Joseph Fontenot, Jr.  
Executive Director  
Louisiana State Board of Pharmacy

From: Farra Mughal  
Louisiana Department of Justice  
Occupational Licensing Review Program

Date: February 3, 2026

Subject: Louisiana State Board of Pharmacy  
Proposed Amendment to LAC 46:LIII.1141  
Regulatory Project 2025-08 - Centralized Prescription Dispensing

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## **I. SUMMARY**

The Louisiana State Board of Pharmacy (the “**Board**”) proposes amending LAC 46:LIII.1141 (the “**Proposed Amendment**”), to clarify the existing requirements related to prescription labeling and the maintenance of audit trail information, and establish standards for the delivery of prepared prescriptions between a remote dispenser and an on-site pharmacy.

The Board published a Notice of Intent to promulgate the Proposed Amendment on October 20, 2025.<sup>1</sup> The Notice invited public comments and testimony on this Proposed Amendment on November 26, 2025 and received no written or oral public comments.<sup>2</sup>

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendment to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on December 15, 2025. The OLRP invited public comments on the Proposed Amendment December 17, 2025 through December 30, 2025 and received no comments.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law.<sup>3</sup> An Occupational Regulation is a “rule defined in the Administrative Procedure Act (“**APA**”) that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”<sup>4</sup> Anti-Competitive behavior is an act, or series of acts, that have

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<sup>1</sup> Louisiana Register, Vol. 51, No. 10, at pgs. 1712-1713

<sup>2</sup> Id. at 1713

<sup>3</sup> LA R.S. 49:260 (D)(2)

<sup>4</sup> LA R.S. 49:260 (G)(4)

the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.<sup>5</sup>

The Louisiana APA defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees.<sup>6</sup> The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area.

As set forth below, the OLRP has determined the Board's Proposed Amendments to LAC 46:LIII.1141 does not constitute an occupational regulation with any reasonably foreseeable anti-competitive effects. Therefore, the Board may proceed with promulgation as drafted in accordance with the Louisiana APA without further input from the OLRP.

## **II. ANALYSIS**

The Louisiana Pharmacy Practice Act ("**LPPA**"), La. R.S. 37:1161 *et seq.*, subjects the practice of pharmacy in the State of Louisiana to the regulation of the Board to promote, preserve, and protect the public health, safety, and welfare through effective control of the regulation of the pharmaceutical practice and the licensure, permitting, certification, registration, control, and regulation of all persons or sites in or out of this state that sell drugs or devices within this state.<sup>7</sup> The Board has the statutory authority to make necessary rules and regulations to carry out and enforce the purpose of the LPPA.<sup>8</sup>

### **A. Proposed LAC 46:LIII.1141**

The Board proposes the amendment of §1141 to (i) require the remote dispenser and on-site pharmacy to maintain a complete audit trail identifying pharmacy personnel involved in the dispensing process, (ii) require pharmacies to ensure that all prescription drugs be delivered in compliance with nationally recognized standards established by the manufacture or the United States Pharmacopeia (USP), (iii) prohibit the dispensing of any prescription drug compromised in transit whether by a common carrier, contract carrier, or pharmacy employee, (iv) require prescriptions delivered by a common or contract carrier be enclosed in tamper-evident packaging, (v) require temperature control throughout the delivery process, (vi) require that prescriptions not dispensed to patients be returned to the remote dispenser pharmacy when the remote dispenser and on-site pharmacy operate under different ownership, and (vii) specify that the centralized prescription dispensing of controlled substances must comply with all applicable provisions of federal regulations set forth in 21 CFR Parts 1300 through 1399.

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<sup>5</sup> Black's Law Dictionary, 12<sup>th</sup> Edition p. 116

<sup>6</sup> LA R.S. 49:951 (8)

<sup>7</sup> LA R.S. 37:1163

<sup>8</sup> LA R.S. 37:1182 (A)(1)

The Board has the statutory authority to make necessary rules and regulations to carry out and enforce the LPPA.<sup>9</sup> The Board also has the statutory authority to establish procedures for the storage, compounding, and dispensing of drugs or devices.<sup>10</sup> Accordingly, it is within the Board's statutory authority to clarify the existing labeling requirements and maintenance of the audit trail, and to establish standards for the delivery of prepared prescriptions between a remote dispenser and an on-site pharmacy.

The current version of the rule requires that all drugs dispensed to a patient by a remote dispenser bear a label containing an identifiable code that provides a complete audit trail of the dispensing of the drug and pharmacy primary care activities. The Proposed Amendment requires remote dispensers to label containers in compliance with §2527 using the on-site pharmacy's information including the remote dispenser's name and to maintain an audit trail identifying pharmacy personnel involved in the dispensing process. These changes to the rule are merely clarifying and are not likely to create any barriers to market entry.

Additionally, the Proposed Amendment's establishment of standards to ensure the safe delivery of prescription drugs from remote dispensers to on-site pharmacies do not create any barriers to market entry. Thus, the Proposed Amendment is a rule governing the practice of pharmacy and not an occupational regulation with any reasonably foreseeable anti-competitive effects.

The Board asserts the Proposed Amendment protects the public health, safety, and welfare by requiring pharmacies to implement safeguards to protect medication integrity when delivering prescriptions from a remote dispenser to an on-site pharmacy. The Board further asserts that without these safeguards, the public may be harmed by medications that have been exposed to conditions that are not compliant with storage conditions and FDA-approved labeling or that have been out of the possession and control of the pharmacy. Thus, the Proposed Amendment adheres to the Board's clearly articulated policy of promoting, preserving, and protecting the public health, safety, and welfare.

Therefore, the Proposed Amendment is not an occupational regulation, and the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

### **III. DETERMINATION**

The Board is a state regulatory body created by the LPPA to "promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of pharmacy; the licensure of pharmacists; and the licensure, permitting, certification, registration, control, and regulation of all persons or sites in or out of this state that sell drugs or devices to consumers and/or patients or assist in the practice of pharmacy within the state."<sup>11</sup> The Board is responsible for the control and regulation of the practice of pharmacy<sup>12</sup> and holds the statutory authority to make necessary rules and regulations to carry out and enforce the purpose of the

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<sup>9</sup> LA R.S. 37:1182 (A)(1)

<sup>10</sup> LA R.S. 37:1182 (A)(13)

<sup>11</sup> LA R.S. 37:1163, LA R.S. 37:1171

<sup>12</sup> LA R.S. 37:1182

LPPA.<sup>13</sup> Because the Proposed Amendment to LAC 46:LIIL.1141 is not an occupational regulation with any reasonably foreseeable anti-competitive effects, the Board may proceed with promulgating this amendment without further input from the OLRP.

OFFICE OF THE ATTORNEY GENERAL  
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A handwritten signature in blue ink, appearing to read "Farra Mughal".

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<sup>13</sup> LA R.S. 37:1182 (A)(1)