



Louisiana Board of Pharmacy

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To: Attorney General Liz Murrill
Attn: Department of Justice, Occupational Licensing Review Program

From: Joe Fontenot
Executive Director, Louisiana Board of Pharmacy

Date: 12/15/2025

Subject: **Regulatory Project 2025-07 ~ Prescription Drug Delivery**

The Louisiana Board of Pharmacy seeks to amend its rules relative to prescriptions, drugs, and devices, LAC 46: LIII.2501. The proposed rule change requires pharmacies to implement safeguards to protect medication integrity when delivering prescription drugs to patients.

To facilitate the Department of Justice's review of the proposed rule, the Louisiana Board of Pharmacy provides answers to the following questions.

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation?

In response to recent reports of prescriptions being shipped or delivered to patients with no means to protect the drugs from extreme temperatures and to ensure integrity of the drug, the proposed rule changes require proper safeguards be in place when pharmacies are shipping or delivering prescriptions.

2. Is the occupational regulation within the scope of the occupational licensing board's general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.

Yes. LA R.S. 37:1182 details the powers and duties of the Board which include establishing procedures for the dispensing of drugs and establishing professional standards.

Delivery of the prescription to the patient, as a necessary step of the dispensing process by definition in law (La R.S. 37:1164(12)), is included in the procedures and standards referenced.

3. Check all of the following that apply as reasons the occupational regulation is subject to review

- Creates a barrier to market competition
- Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder.
- Reduces competition or excludes present or potential competitors from the occupation regulated by the board
- Limits output or supply in this state of any good or service provided by the members of the regulated occupation.
- Reduces the number of providers that can serve a particular set of customers
- Changes existing requirements for licensure, certification, registration, etc.
- Other activity (please describe)

*During the promulgation of **Regulatory Project 2023-09 ~ Product Integrity**, the Public Hearing held pursuant to the Notice of Intent received comments from several entities objecting to the delivery aspect of the proposal. The entities did not express an issue with the storage of drugs. Recognizing the necessity to have a regulation, the Board decided to remove the delivery component and focus the regulatory project on the storage component. After that project was completed, the Board began **Regulatory Project 2025-07 ~ Prescription Drug Delivery**, which is focused only on the delivery aspect. Although no comments were received at the Public Hearing for this project, the Board considers*

the objections to the previous Project as a reason for review.

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?

The purpose of the Louisiana Pharmacy Practice Act, as stated in LA R.S. 37:1163, is 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 proposed rule change protects the public health, safety, and welfare by requiring pharmacies to implement safeguards to protect medication integrity when delivering prescriptions to patients and to replace any prescription drug that is compromised in any way during delivery.

Without these safeguards, the public may be harmed by medications that have been exposed to conditions that are not compliant with storage conditions in FDA-approved labeling.

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

No. Requiring pharmacies to implement safeguards to protect medication integrity when delivering prescriptions to patients is a minimum standard. Less restrictive alternatives would not address the potential harm to the public.

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.

02-06-2025 – The Regulation Revision Committee of the Board held a public meeting to review and consider Draft #1.

06-18-2025 – The Regulation Revision Committee held a public meeting to review and consider Draft #2. The committee developed and approved Draft #3 for submission to the Board.

08-20-2025 – The Board approved, during its quarterly meeting, the draft proposal for promulgation.

09-04-2025 – Impact statement submitted to Legislative Fiscal Office for approval.

10-08-2025 – The Legislative Fiscal Office approved fiscal and economic impact statement.

10-09-2025 – The 1st Report submitted to the Joint Legislative Oversight Committee on Health & Welfare.

10-09-2025 – Notice of Intent (NOI) submitted to the Louisiana Register for publication on October 20, 2025.

10-20-2025 – NOI published in the 2025 Louisiana Register, Volume 51, October Edition.

10-20-2025 – The Board distributed electronic Notice of Rulemaking Activity & Public Hearing.

11-26-2023 – A Public Hearing was conducted at the Board office. No public comment or testimony was received.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order? **No**

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.

Of the members present at the August 20, 2025 meeting of the Board, the vote in favor of the proposed rule was unanimous (13-0, with President McKay not voting as Chair). Members present: Robert Cloud, David Darce, Jennifer Dupree, Jacqueline Hall, Richard Indovina, Jr., Charles Jones, Marty McKay, Chris Melancon, Troy Menard, Anthony Mercante, Robert Ray, Don Resweber, Richard Soileau, and Raymond Strong. All members voting are active market participants except for Mr. Resweber, the public member.

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule? **No**.