



# Louisiana Board of Pharmacy

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March 31, 2025

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

From: Joe Fontenot, Executive Director  
Louisiana Board of Pharmacy

Subject: **Regulatory Project 2025-04 ~ Emergency Drug Kit (EDK) Permit**

The Board of Pharmacy seeks to amend Section 1711 of its rules relative to Emergency Drug Kit (EDK) Permits. The proposed rule change removes the requirement for the administrator of the applicant facility to sign the application for the EDK permit, and require the online permit verification to be readily retrievable, since the Board no longer issues paper permits.

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?

*RS 37:1164. Definitions. (17) "Emergency drug kit" for long-term care facilities or other board-approved sites, other than a hospital, means a drug kit containing designated drugs which may be required to meet the immediate therapeutic emergency needs of a resident or patient.*

*An EDK permit from the board gives a Louisiana permitted pharmacy the legal authority to place its drugs at a location other than the permitted pharmacy.*

*The Board of Pharmacy has proposed eliminating the requirement for obtaining the signature of a facility administrator on applications for pharmacies to acquire or renew an EDK permit, as the pharmacy permit and the Pharmacist-in-Charge (PIC) are accountable for the permit. Additionally, since the Board no longer issues paper permits, the requirement to maintain the original EDK permit at the provider pharmacy was deemed outdated. After reviewing these issues, the Board determined it appropriate to amend its rules related to EDK permits.*

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.

*RS 37:1164. Definitions. (17) "Emergency drug kit" for long-term care facilities or other board-approved sites, other than a hospital, means a drug kit containing designated drugs which may be required to meet the immediate therapeutic emergency needs of a resident or patient.*

*LA R.S. 37:1163. Statement of purpose. It is the purpose of this Chapter 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.*

*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 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.*

***R.S. 37:1182. Powers and Duties of the board.***

*A. The board shall be responsible for the control and regulation of the practice of pharmacy and shall:*

*(1) Make necessary rules and regulations to carry out the purposes and enforce the provisions of this Chapter and furnish copies of them upon request.*

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
- ☐ Other activity (please describe)

***\*Only a Louisiana permitted pharmacy would qualify for an EDK permit thereby creating a barrier.***

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 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.*

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.

*In this case, the proposal is less restrictive than the current rule.*

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.

- 10-17-2024 – Regulation Revision Committee meeting held to consider the proposal. The committee developed draft #1 and voted to recommend to the Board their approval.
- 11-20-2024 – Board approved the proposal and it became Regulatory Project 2025-04.
- 01-10-2025 – FEIS submitted to the Legislative Fiscal Office (LFO) for approval.
- 02-10-2025 – LFO approved fiscal and economic impact statement.
- 02-10-2025 – 1<sup>st</sup> Report submitted to Oversight Committee on Health & Welfare and the *Register*
- 02-20-2025 – NOI published in the *2025 Louisiana Register, Volume 51*, January Edition.
- 02-20-2025 – Notice of Rulemaking Activity & Public Hearing Notice distributed.
- 03-31-2025 – Public Hearing at the Board office.

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.

*Board meeting held on November 20, 2024, 17 members were present, none absent. The vote in favor of the proposed rule was unanimous (16-0, with President McKay not voting as Chair). Members present: Robert Cloud, David Collins, David Darce, Jennifer Dupree, Jacqueline Hall, Richard Indovina, Jr., Charles Jones, Kevin LaGrange, Richard Mannino, 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*