

Regular Session of the 2023 Louisiana Legislature

Final Legislative Brief ~ 07-01-2023

HB 90 J. Stefanski [R-42, Crowley]

Provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil. (08-01-2023)

06-15-2023

Signed as **Act No. 399**; effective 08-01-2023.

This bill amended the controlled substance law to enhance the existing penalties for distribution or possession with intent to distribute fentanyl or carfentanil. The penalties are tiered by the amount of drug at issue as well as the number of convictions. At the top end: a 3rd conviction for more than 28 but less than 250 grams will require a sentence of not less than 99 years, without benefit of parole, probation, or suspension. Any conviction for more than 250 grams will require a sentence of life imprisonment, of which at least 25 years must be served without parole, probation, or suspension. If the drug causes serious bodily harm to the person consuming the drug, an additional 5 year (consecutive) term is required, without benefit of parole, probation, or suspension. This act requires an update to the Louisiana Pharmacy Law Book.

HB 133 C. Turner [R-12, Ruston]

Provides relative to the Prescription Monitoring Program Advisory Council. (08-01-2023)

05-30-2023

Signed as **Act No. 14**; effective 08-01-2023.

This bill amended the PMP Law, more specifically the section relative to the PMP Advisory Council. The bill reduced the frequency of mandatory council meetings, from quarterly to once per year. In addition, a new section was added to permit the council to meet electronically. The bill also added a new section to the Open Meetings Law, detailing the requirements for such electronic meetings. This act requires an update to the Louisiana Pharmacy Law Book.

HB 221 M. Wright [R-77, Covington]

Provides relative to rulemaking and oversight pursuant to the Administrative Procedure Act. (01-08-2024)

06-30-2023

Signed as **Act No. 442**; effective 01-08-2024.

This bill authorizes the Louisiana House of Representatives to establish a select oversight committee for review of administrative rules, in addition to the standing oversight committee process.

HB 403 C. Brown [D-60, Plaquemine]

Authorizes substitution of certain biosimilar biological products relative to step therapy or fail first protocols. (08-01-2023)

06-06-2023

Signed as **Act No. 125**; effective 08-01-2023.

This bill amended the state insurance law relative to coverage of step therapy or fail first

protocols. That law currently allows for the substitution of an AB-rated generic equivalent drug product or an interchangeable biological product as designated by the federal FDA. This bill added FDA-approved biosimilar drug products to those authorized substitutions.

HB 459 T. Johnson [D-21, Vidalia]

Provides relative to phlebotomists. (08-01-2023)

06-14-2023

Signed as **Act No. 369**; effective 08-01-2023.

This bill amended the state medical practice act, more specifically the clinical laboratory services chapter. The bill amended the section providing an exemption to phlebotomist certification requirements. In addition to those practicing under physician supervision, the bill added phlebotomists employed a clinic, hospital, or nursing home. A new exemption was added for persons employed at testing locations certified by CLIA, provided that facility provides at least 5 days of didactic phlebotomist training and 2 weeks of on-the-job training.

HB 460 R. Owens [R-76, Slidell]

Provides relative to the dispensing of medical marijuana. (gov. sig.)

06-13-2023

Signed as **Act No. 311**; effective 06-13-2023.

This bill amended the state medical marijuana law with respect to (1) the definition of the term “active qualified patient”; (2) procedures to speed up the issuance of satellite marijuana pharmacies when certain patient thresholds are met; and (3) transfer of ownership procedures for marijuana pharmacies. This act requires an update to the Louisiana Pharmacy Law Book.

HB 548 C. Turner [R-12, Ruston]

Provides relative to the 340B drug pricing program. (08-01-2023)

06-12-2023

Signed as **Act No. 358**; effective 08-01-2023.

This bill created a new chapter of law relative to the 340B drug pricing program. The act prohibits practices by a health insurer, PBM, or other third-party payor that would limit or lower the reimbursement for a drug discounted according to the federal 340B drug program that was dispensed by a pharmacy participating in the 340B program. The act also prohibits actions by a manufacturer or distributor that would interfere with the acquisition of a 340B discounted drug by a pharmacy that is under contract with a healthcare facility that participates in the 340B program. The law provides that violations of the chapter constitute an unfair trade practice and permits actions by aggrieved parties, but not private actions. The act is not applicable to the Medicaid program, and further, shall not be construed less restrictive or in conflict with applicable federal law. This act will be included in the Louisiana Pharmacy Law Book.

HB 578 C. Glover [D-4, Shreveport]

Provides relative to smoking cessation benefits. (08-01-2023)

06-09-2023

Signed as **Act No. 281**; effective 08-01-2023.

This bill created two new sections of laws, one in the state insurance law and the other in the Medicaid law. The act requires health insurers and Medicaid to provide smoking cessation benefits for a minimum of 6 months, including but not limited to nicotine patches, nicotine lozenges and prescription drugs. The benefit shall not be subject to deductibles, co-payments, or other cost sharing mechanisms. The definition of smoking cessation benefit in the insurance law requires it to be prescribed by a physician; the definition of the same term in the Medicaid law does not contain the physician prescriber requirement. The act requires the health

department to promulgate rules for the Medicaid benefit.

HB 629 B. Beaulieu [R-48, New Iberia]

Exempts from local sales and use taxes certain prescription drugs administered by topical system in medical clinics. (07-01-2023)

06-14-2023

Signed as **Act No. 382**; effective 07-01-2023.

This bill amended a section of the revenue law which exempts from local sales taxes prescription drugs administered by infusion in medical clinics for 46 specific indications. The bill adds topical administration. The bill expanded an existing clinical indication to now include both wet and dry age-related macular degeneration. The bill also added one additional indication, neuropathic pain.

HB 645 D. Miller [D-40, Opelousas]

Creates the crime of unlawful production, manufacturing, distribution, or possession of xylazine. (08-01-2023)

06-08-2023

Signed as **Act No. 183**; effective 08-01-2023.

This bill created a new section in the state controlled substance law to create the crime of unlawful production, manufacturing, distribution, or possession of xylazine; further, it provides for criminal penalties for violations of the law. Three exemptions preserve legitimate access to the drug, for (1) the usual course of professional veterinary practice, (2) possession pursuant to a prescription from a veterinarian, and (3) pharmaceutical compounding by a pharmacist or veterinarian. This act requires an update to the Louisiana Pharmacy Law Book.

SB 14 L. Bernard [R-31, Natchitoches]

Provides relative to schedules of the Uniform Controlled Dangerous Substances Law. (08-01-2023)

06-08-2023

Signed as **Act No. 201**; effective 08-01-2023.

This bill updated the state list of controlled substances with new items placed on the federal list of controlled substances. The measure originated as a legislative proposal from the Board of Pharmacy. This act requires an update to the Louisiana Pharmacy Law Book.

SB 20 P. McMath [R-11, Covington]

Provides relative to hospital service districts and scholarships for certain healthcare professionals. (gov. sig.)

06-01-2023

Signed as **Act No. 33**; effective 06-01-2023.

This bill consolidated the current scholarship programs operated by hospital service districts – one for nursing students and another for allied health students (defined to include pharmacy) – into one program. The number and amount of scholarships to be awarded are discretionary to the districts. One of the requirements is a return to the service district by the licensed professional after completion of the professional program.

SB 49 S. Hewitt [R-1, Slidell]

Increases penalties for the crime of creation or operation of a clandestine laboratory for unlawful manufacture of certain controlled dangerous substances. (08-01-2023)

06-07-2023

Signed as **Act No. 148**; effective 08-01-2023.

This bill amended the state controlled dangerous substance law, more specifically the existing section which criminalizes the creation or operation of a clandestine laboratory for the unlawful manufacture of controlled dangerous substances. The bill enhanced existing criminal penalties when the laboratory is used for fentanyl or carfentanil. This act requires an update to the Louisiana Pharmacy Law Book.

SB 66 F. Mills [R-22, Parks]
Provides relative to telehealth services. (01-01-2024)
06-12-2023 Signed as **Act No. 322**; effective 01-01-2024.

This bill amended several different laws which contain the terms “telemedicine” and “telehealth” to remove the term “telemedicine” in favor of the term “telehealth”. The definition of “telehealth” found in the Telehealth Access Act, more specifically at R.S. 40:1223.3 is unchanged. The telehealth access law was amended to clarify that an in-person visit was not required prior to the use of telehealth; however, no prescription for a controlled substance can be issued via telehealth in the absence of a prior in-person visit unless specifically authorized in certain laws or rules. This act requires an update of the Louisiana Pharmacy Law Book.

SB 94 C. Kleinpeter [R-17, Port Allen]
Adds certain substances to the Uniform Controlled Dangerous Substances Law. (08-01-2023)
06-26-2023 Signed as **Act No. 416**; effective 08-01-2023.

This bill amended the state controlled substance law by repealing the conditional scheduling actions for mitragynine and 7-hydroxymitragynine enacted in 2019. The bill also amended the state criminal code by creating the crime of sale or distribution of those two drugs to anyone under the age of 21 years. Finally, the bill established a local option provision authorizing any local government to enact provisions more restrictive than the new state provision. This act requires an update to the Louisiana Pharmacy Law Book.

SB 201 S. Hewitt [R-1, Slidell]
Provides for meetings of boards and commissions via electronic means. (08-01-2023)
06-14-2023 Signed as **Act No. 393**; effective 08-01-2023.

This bill amended the state open meetings law. The bill added a new requirement for all public bodies to allow any member of the public with an ADA-recognized disability to participate in public meetings via teleconference or videoconference when that accommodation request is received prior to the meeting; or in the alternative for public bodies without such capabilities, the body is required to develop viable alternatives to enable remote participation by members of the public with ADA-recognized disabilities. The bill also amended the existing exception to the open meetings law to develop standardized procedures for such electronic meetings; these standards are applicable to statewide public bodies which meet at least 6 times per year, and limits the use of electronic meetings to no more than one-third of the meetings per year.