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Public policy in pharmacy practice

Regular Session of the 2023 Louisiana Legislature
Convened 04-10-2023 @ 12 Noon – Adjourned 06-08-2023 @ 6:00 p.m.

Final Legislative Report ~ 07-01-2023

Last Items Reviewed						
HB 661	HR 297	HCR 147	HSR 5	HCSR 0		
SB 233	SR 208	SCR 66	SSR 0	SCSR 0	Acts 465	
Total = 1,617				Items on Watch List = 48		

House of Representatives

Bills

[HB 14](#) M. Firment [R-22, Pollock] Administration of Criminal Justice
Provides relative to Schedule I of the Uniform Controlled Dangerous Substances Law. (08-01-2023)

02-06-2023	Prefiled and referred to committee.
04-25-2023	Reported favorably (8-7).
04-26-2023	Engrossed; passed to 3 rd reading.
05-02-2023	Called by title; returned to the calendar, subject to call.
05-08-2023	Called by title; returned to the calendar, subject to call.
05-10-2023	Called by title; returned to the calendar, subject to call.

This bill seeks to add Mitragynine and 7-Hydroxymitragynine to a new Subsection G within Schedule I, and further, to repeal Act 231 of the 2019 Regular Session as well as R.S. 40:989.3. Act 231 of the 2019 Regular Session added both of the listed substances to the state list of controlled substances if and when they were added to the federal list of controlled substances, and to the same numbered schedule in the state list. R.S. 40:989.3 was enacted in 2012; it created the crime of unlawful distribution of mitragynine to a minor and provided for criminal penalties. Act 231 of the 2019 Session provided for the repeal of this Section if and when the drugs were added to the state list of controlled substances.

Related Bills: HB 572, SB 94.

[HB 17](#) C. Newell [D-99, New Orleans] Judiciary
Provides relative to the regulation of cannabis. (See Act)
02-06-2023 Prefiled and referred to committee.
05-03-2023 Amended, then declined to report favorably (5-7).

This bill seeks to establish a regulatory structure for the sale of cannabis and cannabis products in the state. The licensing and regulation of up to 10 cannabis production facilities is assigned to the Dept. of Agriculture & Forestry. The licensing and regulation of up to 40 cannabis retailer locations is assigned to the Office of Alcohol & Tobacco Control. House committee amendment was technical in nature.

Related Bill: HB 612.

[HB 24](#) C. Newell [D-99, New Orleans] Administration of Criminal Justice
Provides for the decriminalization of marijuana possession and distribution. (*Contingent upon implementation of Act ____ arising from HB 17*)

02-09-2023	Prefiled and referred to committee.
04-25-2023	Committee involuntarily deferred (9-4).

This bill removes marijuana (but not tetrahydrocannabinols) from Schedule I, and further, removes the criminal penalties for the possession and distribution of marijuana and tetrahydrocannabinols. The proposed law will not apply to present law relative to driving while intoxicated, shall not prohibit any employer from adopting or enforcing reasonable zero tolerance or drug-free workplace policies, and shall not prohibit the adoption or enforcement of any school policies relative to drug free zones.

Related Bill: HB 492.

[HB 75](#) D. Villio [R-79, Kenner] Administration of Criminal Justice
Provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil. (08-01-2023)

03-08-2023	Prefiled and referred to committee.
04-25-2023	Amended, then reported favorably.
04-26-2023	Engrossed; passed to 3 rd reading.
05-02-2023	Passed House (98-0); sent to the Senate.
05-03-2023	Referred to Senate Committee on Judiciary-C.
05-09-2023	Voluntarily deferred for one week.
05-16-2023	Voluntarily deferred for one week.
05-23-2023	Voluntarily deferred for remainder of session.

This bill amends the controlled substance law, more particularly the section relative to penalties for acts involving substances listed in Schedule II of the state list of controlled substances. The existing paragraph relative to fentanyl and carfentanil is amended to provide for enhanced penalties commensurate with the amount of drug at issue. There are three levels of penalties – a minimum sentence for drug amounts of 28 grams or less, a higher sentence for 28 to 250 grams, and even higher sentences for more than 250 grams. House committee amendments were technical in nature.

Related Bills: HB 90, SB 49.

[HB 90](#) J. Stefanski [R-42, Crowley] Administration of Criminal Justice
Provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil. (08-01-2023)

03-13-2023	Prefiled and referred to committee.
04-25-2023	Reported favorably.
04-26-2023	Engrossed; passed to 3 rd reading.
05-02-2023	Passed House (74-29); sent to the Senate.
05-03-2023	Referred to Senate Committee on Judiciary-C.
05-09-2023	Voluntarily deferred for one week.
05-16-2023	Voluntarily deferred for one week.
05-23-2023	Amended, then reported favorably.

05-24-2023	Referred to Legislative Bureau.
05-25-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.
06-04-2023	Passed Senate (32-4); returned to the House.
06-06-2023	House rejected Senate amendments (100-0); Sent to Conference Committee; Senate conferees appointed: Foil, McMath, Kleinpeter.
06-07-2023	House conferees appointed: Marino, Stefanski, Villio; Received Report of Conference Committee.
06-08-2023	House adopted Conference Committee Report (78-19); Senate adopted Conference Committee Report (31-5); Enrolled; signed by House Speaker and Senate President.
06-09-2023	Sent to the Governor.
06-15-2023	Signed as Act No. 399 ; effective 08-01-2023.

This bill amends the controlled substance law, more specifically the section relative to penalties for acts involving substances listed in Schedule II of the state list of controlled substances. The existing provision requiring a sentence of not less than 5 years nor more than 40 years for distribution or possession with intent to distribute any amount of fentanyl or carfentanil is amended to provide that same penalty for any amount less than 28 grams of either drug, and further, a new provision is added for amounts of 28 grams or more of either drug and requires a sentence of life imprisonment without benefit of probation, parole, or suspension of sentence. Senate committee amendment combined elements of HB 75 and 90; resulting bill resembles tiered approach found in HB 75, but preserves life imprisonment sentence for 250 grams or more, with parole eligibility in 25 years.

Related Bills: HB 75, SB 49.

HB 106 D. Miller [D-40, Opelousas] Administration of Criminal Justice
Adds Xylazine to Schedule II of the Uniform Controlled Dangerous Substances Law. (08-01-2023)

03-14-2023	Prefiled and referred to committee.
04-25-2023	Removed from agenda prior to meeting.
05-02-2023	Reported favorably by substitute.
05-03-2023	Became HB 645 [see that bill for further actions].

This bill amends the state list of controlled substances to place Xylazine in Schedule II, more specifically within a new subsection titled "Miscellaneous." House committee amendment removed the scheduling action and replaced it with a new section of law providing criminal penalties for unlawful production, manufacturing, distribution, or possession of xylazine.

Related Bill: SB 14.

HB 107 C. Turner [R-12, Ruston] Ways and Means
Provides for a local sales and use tax exemption for the procurement or administration of certain prescription drugs. (gov. sig.)

03-14-2023	Prefiled and referred to committee.
04-24-2023	Voluntarily deferred by sponsor.

This bill amends the sales and use tax law to change the ability of local jurisdictions to impose sales and use taxes on prescription drugs sold by physicians and outpatient facilities to patients in their offices and facilities and administered therein. The current law allows local jurisdictions

to provide optional exemptions for such drug transactions. The bill would remove the ability to issue optional exemptions in favor of a mandatory exemption for such transactions.

Related Bills: HB 203, HB 204, HB 249, HB 629.

HB 115 T. Johnson [D-21, Vidalia] Labor & Industrial Relations
Provides relative to employment discrimination against employees and prospective employees being treated with medical marijuana. (08-01-2023)
03-15-2023 Prefiled and referred to committee.
03-17-2023 Withdrawn from the House prior to session.

This bill creates a new Part VIII – Medical Marijuana in the Workplace within the current state laws relative to employment discrimination. The bill seeks to employment discrimination against current or prospective employees who receive, or received, treatment with medical marijuana. The bill prohibits negative employment consequences for testing positive for marijuana on drug screens for patients using medical marijuana in compliance with the state medical marijuana law. There is are two notable exceptions: (1) negative consequences are not prohibited if their failure to impose such consequences would result in the employer's loss of money or licensing-related benefit under federal law or rule; and (2) safety-sensitive positions (defined within the bill) are excluded from the provisions of this bill.

Related Bill: HB 351.

HB 133 C. Turner [R-12, Ruston] Health & Welfare
Provides relative to the Prescription Monitoring Program Advisory Council. (08-01-2023)
03-17-2023 Prefiled and referred to committee.
04-20-2023 Amended, then reported favorably.
04-24-2023 Engrossed; passed to 3rd reading.
04-25-2023 Amended, then passed House (99-0); sent to the Senate.
04-27-2023 Referred to Senate Committee on Health & Welfare.
05-10-2023 Reported favorably.
05-11-2023 Referred to Legislative Bureau.
05-15-2023 Reported without Bureau amendments;
Passed to 3rd reading and final passage.
05-18-2023 Passed Senate (33-0); returned to the House.
05-22-2023 Enrolled; signed by House Speaker.
05-23-2023 Signed by Senate President.
05-24-2023 Sent to the Governor.
05-30-2023 Signed as **Act No. 14**; effective 08-01-2023.

This bill amends the state prescription monitoring program law, more specifically the section relative to the PMP Advisory Council. The bill seeks to reduce the mandatory quarterly meeting schedule to at least once annually. In addition, the bill will add a new subsection to permit the council to meet electronically. Finally, the bill amends the state open meetings law to add the council as an exception to that law and allow the program to meet electronically. House committee amendment was technical in nature. House floor amendment was technical.

Related Bill: SB 201.

HB 190 P. Hollis [R-104, Covington] Insurance
Provides relative to employee benefit plans preempted by the Employee Retirement Income

Security Act of 1974. (08-01-2023)
03-24-2023 Prefiled and referred to committee.

This bill seeks to amend the state insurance law relative to employee benefit plans. The U.S Supreme Court ruled in December 2020 in [Rutledge v Pharmaceutical Care Management Association](#) that the Employee Retirement Security Act (ERISA) did not preempt a state law (Arkansas) that requires PBMs to pay pharmacies no less than their acquisition costs for prescription drugs. This bill adds language indicating that the insurance law applies to employee benefit plans to the extent not preempted by ERISA.

[HB 203](#) P. DeVillier [R-41, Eunice] Ways & Means
[\[Constitutional Amendment\]](#) Provides relative to state sales and use tax exemptions for food for home consumption, residential utilities, and prescription drugs. (01-01-2024)
03-24-2023 Prefiled and referred to committee.
04-24-2023 Voluntarily deferred by sponsor.

This bill proposes to amend the state constitution to repeal the existing state sales and use tax exemptions for food for home consumption, residential utilities, and prescription drugs. Upon adoption by at least two thirds of both legislative chambers, the Secretary of State shall place the question on the ballot for the October 14, 2023 statewide election. Upon approval by a majority of voters in the state, the Governor shall certify its adoption. The repeal would become effective January 1, 2023.

Related Bills: HB 107, HB 204, HB 249, HB 269.

[HB 204](#) P. DeVillier [R-41, Eunice] Ways & Means
Provides relative to the state sales and use tax exemptions for food for home consumption, residential utilities, and prescription drugs. (01-01-2024)
03-24-2023 Prefiled and referred to committee.
04-24-2023 Voluntarily deferred by sponsor.

This bill seeks to amend the state laws relative to the state sales and use taxes, to codify into state law the existing constitutional exemptions to that tax for food for home consumption, residential utilities, and prescription drugs. Current exemptions to the state sales and use taxes will sunset on June 30, 2025. Any continuation of the exemption would require future legislative action.

Related Bills: HB 107, HB 203, HB 249, HB 629.

[HB 221](#) M. Wright [R-77, Covington] House & Governmental Affairs
Provides relative to rulemaking and oversight pursuant to the Administrative Procedure Act. (01-08-2024)
03-27-2023 Prefiled and referred to committee.
05-17-2023 Amended, then reported favorably (7-3).
05-18-2023 Engrossed; passed to 3rd reading.
05-23-2023 Amended, then passed House (67-48); sent to the Senate.
05-25-2023 Referred to Senate Committee on Governmental Affairs.
05-31-2023 Amended, then reported favorably.
06-01-2023 Referred to Legislative Bureau.
06-02-2023 Reported without Bureau amendments; Passed to 3rd reading and final passage.

06-05-2023	Passed Senate (24-13); returned to the House.
06-06-2023	House concurred with Senate amendments (83-14).
06-07-2023	Enrolled; signed by House Speaker and Senate President.
06-08-2023	Sent to the Governor.
06-30-2023	Signed as Act No. 442 ; effective 01-08-2024.

This bill seeks to amend the Administrative Procedure Act (APA), the state law governing rulemaking procedures by state agencies. The proposed changes would require an agency proposing a new rule to simultaneously identify two existing rules for revision or repeal, and further, would authorize the House Speaker to appoint a select committee of House members which would function in oversight of proposed rules. House committee amendments changed the original requirement to identify two rules to repeal to a new requirement to identify two rules the agency may repeal or revise; and further, authorized the select committee to hold a hearing if the standing committee indicates it does not intend to hold a hearing. House floor amendment exempted BESE as well as professional licensing boards and commissions. Senate committee amendment removed the requirement for agencies to identify two existing rules for revision or repeal and kept the House select oversight committee process.

HB 249	C. Turner [R-12, Ruston]	Ways & Means
Exempts prescription drugs and insulin from local sales and use taxes. (gov. sig.)		
03-28-2023	Prefiled and referred to committee.	
04-24-2023	Reported favorably.	
04-25-2023	Engrossed; passed to 3 rd reading.	
04-27-2023	Called by title; returned to the calendar; notice given.	
05-03-2023	Called by title; returned to the calendar, subject to call.	

This bill seeks to amend the current state law relative to the imposition of sales and use taxes by local jurisdictions, to provide a mandatory exemption for prescription drugs prescribed by physicians or dentists as well as insulin, both prescription and non-prescription, but not for pharmacist services.

Related Bills: HB 107, HB 203, HB 204, HB 629.

HB 351	M. Landry [I-91, New Orleans]	Labor & Industrial Relations
Provides relative to a recommendation of medical marijuana in employment. (08-01-2023)		
03-29-2023	Prefiled and referred to committee.	
05-11-2023	On agenda before meeting cancelled.	
05-18-2023	Amended, then reported favorably (6-5).	
05-22-2023	Engrossed; passed to 3 rd reading.	
05-24-2023	Read by title; returned to the calendar, subject to call.	

This bill seeks to amend the state law relative to worker compensation programs, to remove the current prohibition on payment for medical marijuana as a benefit in such programs. The bill also seeks to repeal that same provision in the state medical marijuana law. Further, the bill seeks to prohibit the disqualification for unemployment benefits for persons using medical marijuana in compliance with the statewide medical marijuana program requirements. House committee amendments removed the portions of the bill relative to worker compensation and left the portion relative to prohibiting disqualification for unemployment benefits.

Related Bill: HB 115.

[HB 372](#) K. Edmonston [R-88, Gonzales] Health & Welfare
Provides relative to mandates, requirements, recommendations, instructions, or guidance from federal or international organizations. (08-01-2023)

03-30-2023	Prefiled and referred to committee.
04-25-2023	Committee declined to report favorably (4-7).
05-10-2023	On re-hearing, committee declined to report favorably (6-8).

This bill seeks to create new law indicating that the federal CDC and international WHO shall have no jurisdiction in Louisiana, and further, any requirements, recommendations, instructions, or guidance issued by either of those entities shall not be used in Louisiana to justify any mask, vaccine, or medical testing requirement.

[HB 403](#) C. Brown [D-60, Plaquemine] Insurance
Authorizes substitution of certain biosimilar biological products relative to step therapy or fail first protocols. (08-01-2023)

03-30-2023	Prefiled and referred to committee.
05-02-2023	Reported favorably.
05-03-2023	Engrossed; passed to 3 rd reading.
05-11-2023	Passed House (92-0); sent to the Senate.
05-16-2023	Referred to Senate Committee on Insurance.
05-24-2023	Reported favorably.
05-25-2023	Referred to Legislative Bureau.
05-26-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.
05-29-2023	Passed Senate (39-0); returned to the House.
05-31-2023	Enrolled; signed by House Speaker and Senate President.
06-01-2023	Sent to the Governor.
06-06-2023	Signed as <u>Act No. 125</u> ; effective 08-01-2023.

This bill seeks to amend 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 seeks to add biosimilar drug products to those authorized substitutions.

[HB 427](#) R. Crews [R-8, Bossier City] Health & Welfare
Provides relative to disclosure by healthcare facilities to patients of prices for certain items and services. (08-01-2023)

03-30-2023	Prefiled and referred to committee.
05-02-2023	Amended, then voluntarily deferred until next meeting.
05-10-2023	Voluntarily deferred for one week.
05-16-2023	Amended, then reported favorably by substitute.
05-17-2023	Became HB 658. [see that bill for further actions]

This bill seeks to create a new section of law for healthcare facilities licensed as hospitals, to require the posting of its standard prices for supplies and procedures on the facility's website. In particular, the standard prices required to be disclosed includes: (1) the gross charge; (2) the payor-specific charge which is the charge the facility has negotiated with a third-party payor for a facility item or service; (3) the de-identified minimum negotiated charge which is the lowest charge that a facility has negotiated with all third-party payors for a facility item or service; (4) the de-identified maximum negotiated charge which is the highest charge that a facility has negotiated with all third-party payors for a facility item or service; (5) the discounted cash price. The facility shall post prices for at least 300 shoppable services provided by the facility including

70 such services specified by the federal CMS. If the facility provides less than 300 shoppable services, it shall post all of them. The bill tasks the state health department with enforcement authority including the levying of fines and prohibition on collections from patients. House committee amendments were technical.

HB 459	T. Johnson [D-21, Vidalia]	Health & Welfare
Provides relative to phlebotomists. (08-01-2023)		
03-31-2023	Prefiled and referred to committee.	
04-25-2023	Reported favorably.	
04-26-2023	Engrossed; passed to 3 rd reading.	
05-03-2023	Amended, then passed House (98-3); sent to the Senate.	
05-08-2023	Referred to Senate Committee on Health & Welfare.	
05-17-2023	Amended, then reported favorably.	
05-18-2023	Referred to Legislative Bureau.	
05-22-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.	
05-26-2023	Amended, then passed Senate (34-0; returned to the House.	
05-31-2023	House concurred with Senate amendments (98-0).	
06-02-2023	Enrolled; signed by House Speaker and Senate President.	
06-04-2023	Sent to the Governor.	
06-14-2023	Signed as Act No. 369 ; effective 08-01-2023.	

This bill seeks to amend the state medical practice act, more specifically the clinical laboratory services chapter. The proposal repeals the medical board oversight of phlebotomists, removes the board's certification requirements and licensure fees for phlebotomists, and moreover, expands the scope of practice for phlebotomists by authorizing them to perform and report the results of CLIA-waived tests, subject to related rules and regulations. House floor amendments restored the medical board's oversight of phlebotomists and retains the certification requirements and fees. The scope expansion relative to CLIA-waived tests was removed. Senate committee amendments extended exemption from licensure as a phlebotomist for persons employed by or acting under supervision of a physician or employed by a licensed healthcare provider or a testing location or lab certified under CLIA if the facility provides at least 35 hours of phlebotomist training and CE annually. Senate floor amendment clarified the phlebotomist training to be 5 days of classroom training plus 2 weeks of on-the-job training.

HB 460	R. Owens [R-76, Slidell]	Health & Welfare
Provides relative to the dispensing of medical marijuana. (gov. sig.)		
03-31-2023	Prefiled and referred to committee.	
04-26-2023	Amended, then reported favorably.	
04-27-2023	Engrossed; passed to 3 rd reading.	
05-09-2023	Passed House (72-25); sent to the Senate.	
05-10-2023	Referred to Senate Committee on Health & Welfare.	
05-17-2023	Voluntarily deferred for one week.	
05-24-2023	Amended, then reported favorably.	
05-25-2023	Referred to Legislative Bureau.	
05-26-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.	
06-04-2023	Amended, then passed Senate (25-12); returned to the House.	
06-06-2023	House concurred with Senate amendments (88-5).	
06-07-2023	Enrolled; signed by House Speaker and Senate President.	
06-09-2023	Sent to the Governor.	
06-13-2023	Signed as Act No. 311 ; effective 06-13-2023.	

This bill seeks to amend 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. House committee amendments were technical in nature. Senate committee amendments (1) clarified the requirement for marijuana pharmacies to open a satellite location within 90 days of their eligibility notice from the Board of Pharmacy; (2) authorized the Board to give new locations more than 310 days to become operational if such delays were beyond the control of the licensee; and (3) removed the change of ownership notice requirements to the Board. Senate floor amendments added language specifying changes in ownership of marijuana pharmacies shall be approved by the Board in the same manner as changes in other types of pharmacies.

Related Bill: HB 467.

[HB 463](#) G. Firment [R-22, Pollock] Health & Welfare
Prohibits certain procedure to alter the sex of a minor child. (08-01-2023)
03-31-2023 Prefiled and referred to committee.
05-03-2023 Reported favorably by substitute.
05-04-2023 Became HB 648 [see that bill for further actions].

This bill creates a new part in the public health law relative to gender reassignment. It prohibits surgical procedures or the use of puberty-blocking drugs by licensed healthcare professionals, prohibits the use of public funds to pay for such procedures, and prohibits commercial insurance companies from providing coverage for such services. The disciplinary action for a licensed professional shall include permanent revocation of their license and may result in civil assessments.

[HB 467](#) J. Marino [I-85, Gretna] Health & Welfare
Provides relative to marijuana pharmacies. (08-01-2023)
03-31-2023 Prefiled and referred to committee.
04-26-2023 Committee voluntarily deferred the bill.

This bill seeks to amend the state medical marijuana law with respect to marijuana pharmacies and marijuana producers. The proposal will increase the maximum number of marijuana pharmacies from 10 to 30 and retain the competitive application process for such permits. Further, the proposal will repeal the current procedure for establishment of satellite permits as well as the current definition of the term “active qualified patient.” Finally, the proposal will change the current restriction on marijuana producers, from LSU and SU each contracting with only one approved producer, to allowing LSU to SU to contract with any approved producer.

Related Bill: HB 460.

[HB 471](#) B. Freiberg [R-70, Baton Rouge] Health & Welfare
Provides relative to administration of immunizations and vaccines by pharmacists and other licensees of the La. Board of Pharmacy. (08-01-2023)
03-31-2023 Prefiled and referred to committee.
05-03-2023 On agenda before meeting cancelled.
05-10-2023 Voluntarily deferred for one week.
05-16-2023 Reported favorably.
05-17-2023 Engrossed; passed to 3rd reading.

05-23-2023	Passed House (58-43); sent to the Senate.
05-24-2023	Referred to Senate Committee on Health & Welfare.
05-31-2023	Reported favorably (5-2).
06-01-2023	Referred to Legislative Bureau.
06-02-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.
06-05-2023	Amended, then passed Senate (23-14); returned to the House.
06-06-2023	House rejected Senate amendments (98-0); Sent to Conference Committee; Senate conferees appointed: Boudreaux, F. Mills, Morris.
06-07-2023	House conferees appointed: Bagley, Freiberg, Stagni; Received Conference Committee Report #4183.
06-08-2023	House rejected Conference Committee Report (44-54); Recommitted to Conference Committee; Received Conference Committee Report #4242; Senate adopted Conference Committee Report (22-17); House rejected Conference Committee Report (50-45).

This bill seeks to amend the pharmacy practice act, specifically with respect to administration of immunizations and vaccines with medical orders. With respect to influenza immunizations, the proposal adds pharmacy interns and certified pharmacy technicians as authorized immunizers provided they comply with requirements noted therein; and further, the age threshold of 7 years is retained. With respect to other immunizations, the proposal adds pharmacy interns and certified pharmacy technicians as authorized immunizers provided they comply with the requirements noted therein; and further, the age threshold of 17 years is reduced to 7 years. With respect to reporting requirements to LINKS and VAERS, the pharmacist is permitted to designate an agent to make such reports. Finally, the pharmacy shall display signage in the immunization area reminding patients of the importance of annual pediatric well-child visits. Senate floor amendments (1) requires participating pharmacies and its pharmacy personnel administering immunizations to enroll in the CDC's Vaccine for Children program; and (2) requires immunizers to maintain certification in pediatric advanced life support. Conference Committee Report #4183 rejected both Senate floor amendments and made no other changes. Conference Committee Report #4242 retained Senate Floor Amendment No. 1 requiring pharmacies to enroll in VFC and rejected Senate Floor Amendment No. 2 requiring immunizers to maintain certification in pediatric advanced life support.

[HB 492](#) J. Marino [I-85, Gretna] Ways & Means
Repeals a tax on marijuana and controlled dangerous substances. (08-01-2023)
03-31-2023 Prefiled and referred to committee.
04-17-2023 Committee declined to report favorably (6-7).

This bill seeks to amend the state revenue law, by repealing a tax imposed beginning in 1990 on dealers of marijuana and controlled dangerous substances.

Related Bill: HB 24.

[HB 529](#) R. Edmonds [R-66, Baton Rouge] Appropriations
Provides relative to pharmacy benefit manager services provided to the office of group benefits. (01-01-2024)
03-31-2023 Prefiled and referred to committee.
04-24-2023 Reported favorably.
04-25-2023 Engrossed; passed to 3rd reading.

04-27-2023	Called by title; returned to the calendar; notice given.
05-02-2023	Called by title; returned to the calendar, subject to call.
05-09-2023	Called by title; returned to the calendar, subject to call.
05-16-2023	Called by title; returned to the calendar, subject to call.

This bill seeks to amend the public employment law, specifically with reference to the office of group benefits. The proposal creates a new section of law relative to prescription drug payments. The proposal (1) limits compensation of PBM services to a transaction fee not to exceed \$1.25 per pharmacy claim processed; (2) prohibits product reimbursement less than pharmacy's actual cost plus a dispensing fee; (3) requires the dispensing fee to be equal or greater than the state Medicaid dispensing fee; (4) excludes the dispensing fee and taxes from any actual reimbursement cost; (5) prohibits PBM from retaining any rebates or spread pricing; (6) prohibits the buying, selling, transferring, or providing beneficiary healthcare or contact information to any other party for the purpose of patient steering; (7) prohibits the denial of network participation rights for pharmacy or pharmacist network if they are in good standing with the pharmacy board; (8) prohibits the deduction of any sales taxes from any reimbursement owed to pharmacies; and (9) prohibits any reduction of payments through a subsequent reconciliation process.

Related Bills: SB 65, SB 171.

HB 548	C. Turner [R-12, Ruston]	Health & Welfare
Provides relative to the 340B drug pricing program. (08-01-2023)		
03-31-2023	Prefiled and referred to committee.	
04-20-2023	Amended, then reported favorably.	
04-24-2023	Engrossed; passed to 3 rd reading.	
04-26-2023	Passed House (97-2); sent to the Senate.	
04-27-2023	Referred to Senate Committee on Health & Welfare.	
05-10-2023	Reported favorably.	
05-11-2023	Referred to Legislative Bureau.	
05-15-2023	Reported without Bureau amendment;	
	Passed to 3 rd reading and final passage.	
06-04-2023	Passed Senate (38-0); returned to the House.	
06-05-2023	Enrolled; signed by House Speaker and Senate President.	
06-07-2023	Sent to the Governor.	
06-12-2023	Signed as Act No. 358 ; effective 08-01-2023.	

This bill seeks to create a new chapter of law relative to the 340B drug pricing program. The proposal 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 proposal 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 proposal provides that violations of the chapter constitute an unfair trade practice and permits actions by aggrieved parties. The proposal provides the chapter is not applicable to the Medicaid program, and further, shall be construed less restrictive or in conflict with federal law. House committee amendments removed the right for private actions.

HB 572	J. Goudeau [R-31, Lafayette]	Agriculture, Forestry, Aquaculture & Rural Development
Provides relative to kratom products. (gov. sig.)		

03-31-2023	Prefiled and referred to committee.
04-25-2023	Withdrawn from committee; referred to House Committee on Health & Welfare.
05-03-2023	On agenda before meeting cancelled.
05-10-2023	Amended, then reported by substitute favorably (12-4).
05-11-2023	Became HB 655 [<i>see that bill for further actions</i>].

This bill seeks to create a new subpart of the state controlled substance law relative the regulation of kratom products. Such products contain any part of the Mitragnyna plant and are considered to be food products. The proposal tasks the state agriculture department with registration of all kratom products, and sets some standards for those products, including a maximum limit of the natural alkaloid, a prohibition on the presence of synthetic alkaloid, a limit on residual solvent in compliance with USP Chapter 467, and a sales limitation to persons over the age of 18 years.

Related Bills: HB 14, SB 94.

[HB 574](#) A. Seabaugh [R-5, Shreveport] Agriculture, Forestry, Aquaculture & Rural Development

Provides relative to industrial hemp. (08-01-2023)

03-31-2023	Prefiled and referred to committee.
04-10-2023	Withdrawn from committee; referred to House Committee on Health & Welfare.
04-26-2023	Voluntarily deferred by sponsor.

This bill adds a new section to the state law for consumable hemp products, to impose an advertising restriction. The proposal prohibits any advertisement or marketing of adult-use consumable hemp products, consumable hemp products, or cannabis buds or leaves using cartoon imagery or other imagery appealing to minors in any public medium.

Related Bills: HB 605, SB 198, SB 219.

[HB 578](#) C. Glover [D-4, Shreveport] Health & Welfare

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

03-31-2023	Prefiled and referred to committee.
04-25-2023	Amended, then reported favorably.
04-26-2023	Engrossed; passed to 3 rd reading.
05-03-2023	Amended, then passed House (79-20); sent to the Senate.
05-08-2023	Referred to Senate Committee on Health & Welfare.
05-17-2023	Reported favorably.
05-18-2023	Referred to Legislative Bureau.
05-22-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.
06-04-2023	Amended, then passed Senate (32-4); returned to the House.
06-06-2023	House concurred with Senate amendments (98-2).
06-07-2023	Enrolled; signed by House Speaker and Senate President.
06-08-2023	Sent to the Governor.
06-09-2023	Signed as <u>Act No. 281</u> ; effective 08-01-2023.

This bill seeks to create a new section of public health law in Title 40 to require all pharmacy benefit programs paid by public or private organizations to provide at least three months of smoking cessation benefits, 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 proposal requires the state health department to promulgate rules and publicize awareness of the benefit. House committee amendments removed the requirement for the state health department to promulgate rules and publicize awareness of the benefit. House floor amendment was technical. Senate floor amendments duplicated the requirements found in Title 40 in a new section in Title 22 to be applicable to all commercial insurance carriers; and further, stipulated a January 2024 effective date.

[HB 605](#) C. Schexnayder [R-81, Gonzales] Agriculture, Forestry, Aquaculture & Rural Development

Provides relative to the regulation of consumable hemp products. (08-01-2023)

03-31-2023	Prefiled and referred to committee.
04-10-2023	Withdrawn from committee; referred to Health & Welfare Cmte.
04-20-2023	Amended, then reported favorably.
04-24-2023	Engrossed; passed to 3 rd reading.
04-26-2023	Amended; returned to the calendar; notice given.
05-04-2023	Called by title; returned to the calendar; notice given.
05-18-2023	Called by title; returned to the calendar; notice given.
05-29-2023	On agenda; not considered.

This bill seeks to amend the current state law relative to consumable hemp products. The proposal (1) expands the current prohibition on the production or sale of any alcoholic beverage containing CBD to include any cannabinoid; (2) repeals the existing provision that the state law shall be preempted by any less restrictive federal law, rule or guidance; (3) adds specific responsibilities for the state health department in its regulatory role; (4) reduces the product registration fee collected by the health department from \$50 to \$25; (5) removes the exemption for floral hemp material in the maximum of 8 mg of THC per serving; (6) establishes restrictions on serving sizes: (a) a single 8 mg serving in liquids, including beverages, tinctures, concentrates, etc. as well as floral hemp material; and (b) a maximum of 20 servings in all other products, with restrictions on the packaging of such products; and (7) increases the retailer permit fee payable to the office of alcohol and tobacco control from \$175 to \$250. House committee amendments were extensive. In addition to numerous technical corrections, other entries amended the prohibition on the inclusion of any synthetically-derived cannabinoids to apply only to synthetically-derived tetrahydrocannabinols; strengthened the labeling prohibitions directed to children; excluded tinctures from the definition of beverages; authorized the health department to contract with private laboratories for analytical testing of products; and strengthened the health departments options for violation of laws to include administrative licensing actions as well as civil fines. House floor amendments included some substantive changes: (a) reduced the maximum amount of THC per serving from 8 mg to 5 mg; (b) added labeling requirements including warning of potential intoxication and removed ability to sell products not meeting labeling requirements; (c) clarifies one of the roles of the ATC commissioner is to enforce the age limit restrictions on retailers; (d) lowered the fee for hemp retailer permits from \$250/yr to \$175/yr; (e) requires retailers to store adult-use hemp products behind a counter; and (f) lowered the fine for a first offense from \$500 per violation per day to \$300 per violation per day.

Related Bills: HB 574, SB 198, SB 219.

[HB 612](#) C. Newell [D-99, New Orleans] Ways & Means
Levies taxes on sales of cannabis and dedicates revenues derived from the taxes. (Contingent upon implementation of Act ____ arising from HB 17)

04-17-2023	Filed.
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04-18-2023	Referred to House Committee on Ways & Means.
05-01-2023	Voluntarily deferred by sponsor.

This bill creates a tax structure for the retail sales of cannabis and dedicates the revenues to a list of specific funds and entities. The cannabis tax shall be in addition to any other local sales and use taxes, shall be 5% on wholesale sales to retailers and 10% on retail sales to consumers. The tax shall not be applicable to consumable hemp products nor to therapeutic marijuana products.

Related Bill: HB 17, 620.

[HB 620](#) B. Freiberg [R-70, Baton Rouge] Ways & Means
 Levies a tax on retail sales of cannabis and dedicates revenues derived from the tax. (See Act.)

04-18-2023	Filed.
04-19-2023	Referred to House Committee on Ways & Means.
05-01-2023	Voluntarily deferred by sponsor.
05-08-2023	Amended, then declined to report favorably (6-8).

This bill establishes a 15% tax on the retail sales of cannabis products; medical marijuana and consumable hemp products are exempted from the tax. The cannabis retailers shall report their sales and pay the tax monthly to the Dept. of Revenue. That department will distribute the proceeds as directed by the bill: 20% to Early Childhood Education Fund, 30% to the Justice System Funding Program administered by the Supreme Court, and the balance to the state general fund. House committee amendments clarified some reporting requirements in the justice system, and also authorized the revenue department to require cannabis retailers to post bonds and to file reports and payments electronically.

Related Bills: HB 17, HB 612.

[HB 629](#) B. Beaulieu [R-48, New Iberia] Ways & Means
 Exempts from local sales and use taxes certain prescription drugs administered by topical system in medical clinics. (07-01-2023)

04-19-2023	Filed.
04-20-2023	Referred to House Committee on Ways & Means.
05-08-2023	Reported favorably.
05-09-2023	Engrossed; passed to 3 rd reading.
05-17-2023	Passed House (95-1); sent to the Senate.
05-18-2023	Referred to Senate Committee on Revenue & Fiscal Affairs.
05-22-2023	Amended, then reported favorably.
05-23-2023	Referred to Legislative Bureau.
05-24-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.
06-04-2023	Passed Senate (37-0); returned to the House.
06-06-2023	House concurred with Senate amendments (98-1).
06-07-2023	Enrolled; signed by House Speaker and Senate President.
06-09-2023	Sent to the Governor.
06-14-2023	Signed as <u>Act No. 382</u> ; effective 07-01-2023.

This bill amends 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 as well as one additional indication, neuropathic pain. Senate committee amendment expanded an existing clinical indication, to now include both wet and dry age-

related macular degeneration.

Related Bills: HB 107, HB 203, HB 204, HB 249.

HB 645 D. Miller [D-40, Opelousas] {Substitute for Original HB 106}
Creates the crime of unlawful production, manufacturing, distribution, or possession of Xylazine.
(08-01-2023)

05-03-2023	Became substitute bill for the original HB 106.
05-04-2023	Engrossed; passed to 3 rd reading.
05-16-2023	Amended, then passed House (100-0); sent to the Senate.
05-18-2023	Referred to Senate Committee on Judiciary-C.
05-30-2023	Reported favorably.
05-31-2023	Referred to Legislative Bureau.
06-01-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.
06-02-2023	Passed Senate (38-0); returned to the House.
06-04-2023	Enrolled; signed by House Speaker and Senate President.
06-06-2023	Sent to the Governor.
06-08-2023	Signed as Act No. 183 ; effective 08-01-2023.

This bill amends the state list of controlled substances to place Xylazine in Schedule II, more specifically within a new subsection titled "Miscellaneous." House committee amendment removed the scheduling action and replaced it with a new section of law providing criminal penalties for unlawful production, manufacturing, distribution, or possession of xylazine. House floor amendment added veterinary pharmacy compounding as legitimate use of the drug.

Related Bill: SB 14.

HB 648 G. Firment [R-22, Pollock] {Substitute for Original HB 463}
Prohibits certain procedures to alter the sex of a minor child. (08-01-2023)

05-04-2023	Became substitute bill for the original HB 463.
05-08-2023	Engrossed; passed to 3 rd reading.
05-16-2023	Amended, then passed House (71-24); sent to the Senate.
05-18-2023	Referred to Senate Committee on Health & Welfare.
05-24-2023	Committee voted to defer (5-4).
06-01-2023	Senate voted to discharge Committee on Health & Welfare and recommit to Senate Committee on Judiciary-A (26-12).
06-02-2023	Amended, then reported favorably; Referred to Legislative Bureau; reported without amendments; Passed to 3 rd reading and final passage.
06-05-2023	Amended, then passed Senate (29-10); returned to the House.
06-06-2023	House concurred with Senate amendments (75-25).
06-07-2023	Enrolled; signed by House Speaker and Senate President.
06-09-2023	Sent to the Governor.
06-29-2023	Vetoed by Governor.

This bill seeks to criminalize gender affirming care for minors.

HB 655 J. Goudeau [R-31, Lafayette] {Substitute for Original HB 572}
Provides relative to kratom products. (gov. sig.)

05-11-2023	Became substitute bill for the original HB 572.
05-15-2023	Engrossed; passed to 3 rd reading.

05-22-2023	Called by title; returned to the calendar; notice given.
05-23-2023	Amended, then returned to the calendar; notice given.
05-24-2023	Amended, then passed House (80-15); sent to the Senate.
05-26-2023	Referred to Senate Committee on Judiciary-B.
05-30-2023	Amended, then reported favorably.
06-01-2023	Recommitted to Senate Committee on Health & Welfare.

This bill establishes a regulatory program for kratom products. Unlike the original bill, this substitute bill tasks the Commissioner of Alcohol & Tobacco Control to establish a product registration and retailer registration programs. Sales of kratom products are prohibited to persons under 21 years of age. Similar to the original bill, the substitute bill preserves the standards for alkaloid content and residual solvent but added labeling standards and administrative penalties for violations by retailers. House floor amendments (1) removed the requirement for ATC to regulate the sale of kratom products and instead required ATC to submit a report to the legislature analyzing the feasibility of developing a regulatory scheme for kratom products; (2) preserved local authority to enact prohibitions or more restrictive provisions than state law; and (3) requires retailer to store any kratom product in a location not accessible to the public without assistance from the retailer. Senate committee amendment moved the requirement for a feasibility study from ATC to the Dept. of Health.

[HB 658](#) R. Crews [R-8, Bossier City] {Substitute for Original HB 427}
Provides relative to disclosure by healthcare facilities to patients of prices for certain items and services. (08-01-2023)

05-17-2023	Became substitute bill for the original HB 427.
05-18-2023	Engrossed; passed to 3 rd reading.
05-24-2023	Passed House (99-0); sent to the Senate.
05-25-2023	Referred to Senate Committee on Health & Welfare.
05-31-2023	Reported favorably.
06-01-2023	Referred to Legislative Bureau.
06-02-2023	Reported without Bureau amendments; Passed to 3 rd reading and final passage.
06-05-2023	Passed Senate (37-0); returned to the House.
06-06-2023	Enrolled; signed by House Speaker and Senate President.
06-07-2023	Sent to the Governor.
06-27-2023	Vetoed by the Governor.

This bill requires hospitals and health insurance issuers to comply with current federal laws and rules relative to public price transparency requirements. The Dept. of Health is tasked with monitoring compliance by hospitals; in the event they find noncompliance, the department shall issue notice to the hospital, which then has 90 days to achieve compliance. In the event the hospital does not achieve compliance, the department shall file a formal complaint with CMS. The Dept. of Insurance is tasked with monitoring compliance by health insurance issuers; in the event they find noncompliance, the department shall issue notice to the health insurance issuer, which then has 90 days to achieve compliance. In the event the issuer does not achieve compliance, the department shall file a formal complaint with the U.S. Dept. of Treasury.

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Senate

Bills

[SB 14](#) L. Bernard [R-31, Natchitoches] Health & Welfare
Provides relative to schedules of the Uniform Controlled Dangerous Substances Law. (08-01-2023)

02-23-2023	Prefiled and referred to committee.
04-18-2023	Amended, then reported favorably.
04-19-2023	Engrossed; passed to 3 rd reading.
04-24-2023	Passed Senate (37-0); sent to the House.
04-25-2023	Referred to House Committee on Administration of Criminal Justice.
05-17-2023	Amended, then reported favorably; Referred to Legislative Bureau.
05-18-2023	Reported without Bureau amendments.
05-22-2023	Passed to 3 rd reading and final passage.
05-31-2023	Passed House (96-0); returned to the Senate.
06-01-2023	Pending Senate concurrence with House amendments.
06-04-2023	Senate concurred with House amendments (35-0).
06-05-2023	Enrolled; signed by Senate President and House Speaker.
06-06-2023	Sent to the Governor.
06-08-2023	Signed as Act No. 201 ; effective 08-01-2023.

This bill updates 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. Senate committee amendments removed duplicative entries. House committee amendment added a new entry to the list of hallucinogenic plants in the controlled substance law.

Related Bill: HB 106.

[SB 20](#) P. McMath [R-11, Covington] Health & Welfare
Provides relative to hospital service districts and scholarships for certain healthcare professionals. (gov. sig.)

03-01-2023	Prefiled and referred to committee.
04-18-2023	Amended, then reported favorably.
04-19-2023	Engrossed; passed to 3 rd reading.
04-24-2023	Passed Senate (37-0); sent to the House.
04-25-2023	Referred to House Committee on Health & Welfare.
05-03-2023	On agenda before meeting cancelled.
05-10-2023	Amended, then reported favorably; Referred to Legislative Bureau.
05-11-2023	Reported without Bureau amendment.
05-15-2023	Passed to 3 rd reading and final passage.
05-25-2023	Passed House (100-0); returned to the Senate; Pending Senate concurrence with House amendments.
05-29-2023	Senate concurred with House amendments (39-0).
05-30-2023	Enrolled; signed by Senate President and House Speaker.
05-31-2023	Sent to the Governor.
06-01-2023	Signed as Act No. 33 ; effective 06-01-2023.

This bill consolidates 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. Senate committee amendments added licensed practical nurses in addition to registered nurses to the program. House committee amendments were mostly technical, but also added athletic trainers to the program.

SB 49	S. Hewitt [R-1, Slidell]	Judiciary-C
Increases penalties for the crime of creation or operation of a clandestine laboratory for unlawful manufacture of certain controlled dangerous substances. (08-01-2023)		
03-24-2023	Prefiled and referred to committee.	
04-18-2023	Committee reported favorably.	
04-19-2023	Engrossed; passed to 3 rd reading.	
04-24-2023	Passed Senate (33-2); sent to the House.	
04-26-2023	Referred to House Committee on Administration of Criminal Justice.	
05-17-2023	Committee reported favorably; Referred to Legislative Bureau.	
05-18-2023	Reported without Bureau amendments.	
05-22-2023	Passed to 3 rd reading and final passage.	
05-31-2023	Passed House (93-4); returned to the Senate.	
06-01-2023	Enrolled; signed by Senate President and House Speaker.	
06-02-2023	Sent to the Governor.	
06-07-2023	Signed as <u>Act No. 148</u> ; effective 08-01-2023.	

This bill seeks to amend the 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. Present law provides a penalty of incarceration for 5-15 years and a fine up to \$25,000. The bill retains present law and adds new language specifying when the laboratory is used for fentanyl or carfentanil, penalties are enhanced. For the first conviction, 10-40 years and up to \$50,000; for a second conviction, 30-40 years and up to \$500,000; for a third and subsequent conviction, 99 years and up to \$500,000.

Related Bills: HB 75, HB 90.

SB 65	F. Mills [R-22, Parks]	Finance
Provides relative to state procurement of pharmacy benefit manager services by use of reverse auction technology. (08-01-2023)		
03-28-2023	Prefiled and referred to committee.	
04-17-2023	Committee reported favorably.	
04-18-2023	Engrossed; passed to 3 rd reading.	
04-24-2023	Amended, then passed Senate (37-0); sent to the House.	
04-26-2023	Referred to House Committee on Appropriations.	

This bill seeks to amend the current law relative to the procurement of PBM services by the state for its state employee benefit programs. Current law authorizes the state to procure such services through a reverse auction process and establishes the standards and procedures. The bill seeks to require, instead of authorize, the state to procure PBM services through the reverse auction process. Senate floor amendment added a provision requiring any emergency procurement of PBM services to be approved by the Joint Legislative Committee on the Budget.

SB 66 F. Mills [R-22, Parks] Health & Welfare

Provides relative to telehealth services. (01-01-2024)

03-28-2023	Prefiled and referred to committee.
04-18-2023	Amended, then reported favorably.
04-19-2023	Engrossed; passed to 3 rd reading.
05-01-2023	Amended, then passed Senate (36-2); sent to the House.
05-04-2023	Referred to House Committee on Health & Welfare.
05-10-2023	Amended, then reported favorably; Referred to Legislative Bureau.
05-11-2023	Reported without Bureau amendment.
05-15-2023	Passed to 3 rd reading and final passage.
05-25-2023	Amended, then passed House (80-4); returned to the Senate.
05-29-2023	Senate rejected House amendments (34-5).
05-31-2023	Senate conferees appointed: F. Mills, Boudreaux, Smith.
06-05-2023	House conferees appointed: Bagley, Hughes, Stagni.
06-06-2023	Received Report of Conference Committee.
06-08-2023	House adopted Conference Committee Report (81-15); Senate adopted Conference Committee Report (34-0); Enrolled; signed by Senate President and House Speaker; Sent to the Governor.
06-12-2023	Signed as Act No. 322 ; effective 01-01-2024.

This bill amends 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. Senate committee amendment was technical, correcting an erroneous citation. Senate floor amendments were technical. House committee amendments inserted a requirement for telehealth providers to create patient records and make those available to the provider’s licensing agency. House floor amendments: (1) clarified definition of ‘behavioral health services’; and (2) made the effective date of this Act the same as the effective date of the Act which originated as House Bill 648 of the 2023 Regular Session [gender affirming care].

SB 94 C. Kleinpeter [R-17, Port Allen] Judiciary-C

Adds certain substances to the Uniform Controlled Dangerous Substances Law. (08-01-2023)

03-30-2023	Prefiled and referred to committee.
05-02-2023	Reported favorably.
05-03-2023	Engrossed; passed to 3 rd reading.
05-15-2023	Called by title; returned to the calendar, subject to call.
05-22-2023	Passed Senate (38-0); sent to the House.
05-23-2023	Referred to House Committee on Administration of Criminal Justice.
05-31-2023	Amended, then reported favorably; Referred to Legislative Bureau.
06-01-2023	Reported without Bureau amendments.
06-02-2023	Passed to 3 rd reading and final passage.
06-05-2023	Passed House (98-2); returned to the Senate.
06-06-2023	Senate concurred with House amendments (39-0).
06-07-2023	Enrolled; signed by Senate President and House Speaker.
06-08-2023	Sent to the Governor.
06-26-2023	Signed as Act No. 416 ; effective 08-01-2023.

This bill seeks to amend the state controlled substance law, to remove the current provision enacted in 2019 that would place mitragynine and 7-Hydroxymitragynine into one of the five schedules of the state list of controlled substances if and when the DEA placed those same drugs into the federal list of controlled substances, at the same state schedule as the federal schedule. The bill proposes to add those two drugs to Schedule I of the state list of controlled substances. House committee amendment preserved the repeal of the 2019 provision, removed the scheduling action, but created the crime of sale of the product to anyone under the age of 21, and further, created a local option authorizing local jurisdictions to impose more severe restrictions than state law.

Related Bills: HB 14, HB 572.

SB 164 H. Cloud [R-28, Turkey Creek] Finance
Provides relative to prior authorization for services, procedures, and pharmaceuticals. (gov. sig.)

03-31-2023	Prefiled and referred to committee.
04-17-2023	Committee reported favorably.
04-18-2023	Engrossed; passed to 3 rd reading.
04-24-2023	Called by title; returned to calendar, subject to call.
05-16-2023	Amended, then passed Senate (37-1); sent to the House.
05-18-2023	Referred to House Committee on Appropriations.
05-30-2023	Amended, then reported favorably; Referred to Legislative Bureau.
05-31-2023	Reported without Bureau amendments.
06-01-2023	Passed to 3 rd reading and final passage.
06-05-2023	Passed House (102-0); returned to the Senate.
06-06-2023	Senate rejected House amendments (39-0); Sent to Conference Committee.
06-07-2023	House conferees appointed: Edmonds, Turner, Zeringue; Senate conferees appointed: Boudreaux, Cloud, White.

This bill seeks to amend the public employment law, specifically with reference to the office of group benefits (OGB) and prior authorization programs sponsored by health plans providing group benefit programs to public employees. The proposal removes the requirement for health plans to respond within one business day to respond to requests from healthcare providers with medical criteria and other requirements, and instead, requires OGB to maintain a publicly accessible website identifying all services, procedures, and pharmaceuticals subject to prior authorization by health plans. The list shall include medical criteria and other requirements for prior authorization and provide the timeframe within which the request will be denied or approved. The proposal requires OGB provide statistical data on such denials and approvals in an annual report to the legislature. Senate floor amendments limited the application of the bill to self-funded health plans within OGB. House committee amendment made the Act effective when the legislature appropriates sufficient funds to OGB for implementation of the monitoring requirement.

SB 171 F. Mills [R-22, Parks] Insurance
Creates the pharmacy benefit managers quality incentive program. (gov. sig.)

03-31-2023	Prefiled and referred to committee.
04-18-2023	Committee reported favorably.
04-19-2023	Engrossed; passed to 3 rd reading.
05-01-2023	Amended, then passed Senate (39-0); sent to the House.

05-04-2023	Referred to House Committee on Insurance.
05-16-2023	Amended, then reported favorably: Referred to Legislative Bureau.
05-17-2023	Reported without Bureau amendments.
05-18-2023	Passed to 3 rd reading and final passage.
05-30-2023	Amended, then failed to pass (52-45); notice given; Returned to the calendar, subject to call.

This bill seeks to amend the state insurance law, more specifically with respect to PBMs licensed by the state insurance department. The proposal requires PBMs licensed in this state to develop a voluntary program to provide incentive payments to eligible independent network pharmacies for meeting benchmarks or complying with strategies aimed at improving the health of Louisiana residents covered by the PBM. The proposal provides the quality incentive program should focus on the health concerns most affecting Louisiana residents, may be designed in consultation with ULM and Xavier Colleges of Pharmacy, and may reflect the unique needs of the state as designated by each of the nine regions administered by the state health department. The proposal provides for reporting requirements and timeframes. Senate floor amendments clarified (1) the PBM shall design their program in consultation with health plan sponsors; (2) PBMs are permitted to request data from participating pharmacies to confirm eligibility for incentive payments; and (3) the bill shall not apply to PBM services for Louisiana Medicaid patient services. House committee amendments were technical. House floor amendment prevented any penalties for pharmacies choosing to participate or not to participate in the quality incentive program.

Related Bills: HB 529, SB 65.

<u>SB 198</u>	K. Jackson [D-34, Monroe]	Agriculture, Forestry, Aquaculture & Rural Development
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Provides relative to consumable hemp products. (08-01-2023)

03-31-2023	Prefiled and referred to committee.
05-02-2023	Reported favorably.
05-03-2023	Engrossed; passed to 3 rd reading.
05-15-2023	Called by title; returned to the calendar, subject to call.
05-22-2023	Amended, then passed Senate (38-0); sent to the House.
05-24-2023	Referred to House Committee on Health & Welfare.
05-31-2023	Voluntarily deferred.

This bill seeks to amend the state law for consumable hemp product and focuses on consumable hemp products received by retailers prior to their approval by the state health department. The proposal identifies timelines by which the state health department shall notify processors and retailers of products that were not approved, timelines for retailers to contact their suppliers for return instructions, timelines for suppliers to process returns, and authorizes confiscation, seizure and destruction of products not removed in a timely manner. Senate floor amendments clarified that unapproved products shall not be sold upon receipt of the denial of product approval, and that unapproved products shall be subject to seizure 30 days after such notifications are issued.

Related Bills: HB 574, HB 605, SB 219.

<u>SB 201</u>	S. Hewitt [R-1, Slidell]	Senate & Governmental Affairs
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Provides for meetings of boards and commissions via electronic means. (08-01-2023)

03-31-2023	Prefiled and referred to committee.
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04-18-2023	Amended, then reported favorably.
04-19-2023	Engrossed; passed to 3 rd reading.
04-24-2023	Amended, then passed Senate (35-0); sent to the House.
04-27-2023	Referred to House Committee on House & Governmental Affairs.
05-16-2023	Amended, then voluntarily deferred for one week.
05-23-2023	Amended, then reported favorably; Referred to Legislative Bureau.
05-24-2023	Reported with Bureau amendments; Passed to 3 rd reading and final passage.
06-05-2023	Amended, then passed House (96-0); returned to the Senate.
06-06-2023	Senate rejected House amendments (38-0); Sent to Conference Committee.
06-07-2023	House conferees appointed: G. Miller, Newell, Stefanski; Senate conferees appointed: Hewitt, Milligan, Price.
06-08-2023	Received Report of Conference Committee; Senate adopted Conference Committee Report (38-0); House adopted Conference Committee Report (96-0); Enrolled; signed by Senate President and House Speaker; Sent to the Governor.
06-14-2023	Signed as Act No. 393 ; effective 08-01-2023.

This bill seeks to amend the state open meetings law. It amends the existing authority for the pharmacy benefit manager monitoring advisory council and the various advisory committees of the state medical board to hold electronic meetings and applies new requirements for all statewide public bodies that meet a minimum of six times per year to meet electronically. The proposal requires meetings to be hybrid in nature, with electronic transmission from an anchor location; requires prior notice to the public and news media; limits the number of electronic meetings to one-third of the total number of meetings held per year, and prohibits successive meetings via electronic means unless during a gubernatorially declared disaster. The proposal establishes requirements for public bodies and advisory councils with disabled members, to permit attendance by videoconference when feasible or teleconference at a minimum. Senate committee amendments provided alternative options for some local public bodies, members and public with disabilities, as well as some local bodies providing emergency services to military members. Senate floor amendments were mostly technical, but also require the legislative auditor to audit public bodies meeting remotely for their first two years to ensure compliance with these requirements. House committee amendments (1) requires each public body which has the capability to allow any member of the public with an ADA disability or their caregiver to participate in its meetings by teleconference or videoconference shall adopt rules to facilitate such participation for any member of the public who requests such accommodations prior to the meeting; (2) requires each public body without such capability to adopt rules for viable alternative methods for participation by members of the public with ADA disabilities or their caregivers; (3) requires the presiding officer to be present at the physical location of the meeting; (4) requires the vote of each member to be identified during electronic meetings; (5) prohibits any member who participates electronically from receiving a per diem for that meeting; (6) removes the specific limitation on the number of meetings which may be electronic in favor of a 'reasonable' number; and (7) prohibits a licensing board from conducting a disciplinary proceeding electronically. Bureau amendments were technical in nature. House floor amendments (1) preserved existing authority for the La. Law Institute to meet electronically; (2) made technical clarifications of previous House committee amendments. The Conference Committee Report accepted all previous amendments except two of the House floor amendments and made two new amendments to replace the rejected items – one clarifying the definition of 'anchor location' and the other exempting meetings of the legislature and parish election supervisors from the provisions of the bill.

Related Bill: HB 133.

SB 219 S. Cathey [R-33, Monroe] Agriculture, Forestry, Aquaculture & Rural Development

Provides relative to industrial hemp. (08-01-2023)

03-31-2023	Prefiled and referred to committee.
04-18-2023	Amended, then reported favorably.
04-19-2023	Engrossed; recommitted to Committee on Finance.
05-01-2023	Amended, then held in committee pending arrival of HB 1 (state budget bill) from the House.
05-08-2023	Committee deferred bill for additional information.

This bill seeks to amend the state laws for industrial hemp and consumable hemp products. The proposal amends the industrial hemp law by excluding from the definition of 'industrial hemp' any hemp-derived manufactured psychotropic cannabinoids or artificially-derived cannabinoids, and further, specifically identifies 13 different isomers of THC but excludes delta-9-THC. The proposal establishes criminal penalties for distribution of industrial hemp containing any excluded isomers. The proposal amends the consumable hemp product law establishes a limit of THC in any consumable hemp product to no more than 0.5 mg of total THC per serving and no more than 2 mg of total THC per package. The proposal establishes criminal penalties (incarceration and fines) for processing, offering for sale or selling consumable hemp products without the required license, outside of the scope of the required license, or if the product contains more than the maximum amount of THC, or if the product contains any hemp-derived manufactured psychotropic cannabinoids or artificially-derived cannabinoids. Penalties may also include probation, suspension, or revocation of a license. The proposal prohibits sale of consumable hemp products to anyone under the age of 21 and also prohibits the possession of such products by anyone under the age of 21. The proposal establishes packaging and labeling requirements for consumable hemp products, and extends stop order authority to both the state health department and office of alcohol and tobacco control. Senate Agriculture Committee amendments amend the definition of 'consumable hemp product' to limit the amount of THC to 0.3% per serving or per package, and further, amend the definition of 'serving' to limit the amount of THC to 0.3% per unit. Senate Finance Committee amendments adjusted the definition of 'consumable hemp product' to change from the federally permissible 0.3% THC to no detectable THC. Other amendments removed criminal penalties and the stop order provisions, and prohibits sale of consumable hemp products in drive-through locations, within 2,000 feet of educational institutions, religious centers, government buildings, or in any location where alcoholic beverages are sold.

Related Bills: HB 574, HB 605, SB 198.

[11]

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Public policy in pharmacy practice

2023 Louisiana Legislature – Regular Session

Status of Bills on Watch List

On agenda

Returned to calendar, subject to call

Deferred

Last update: 07-01-2023

HOUSE

Pending Referral

HB:

SB:

ACJ

HB: **024**

SB:

HCR-6 / Wed-Thu 4-25

AGR

HB:

SB:

HCR-3 / Fri

APP

HB:

SB: 065

HCR-5 / Mon-Tue

H&W

HB: **467, 574, 372**

SB: **198**

HCR-5 / Wed-Thu 4-26 4-26 5-10

5-31

H&GA

HB:

SB:

HCR-2 / Wed-Thu

INS

HB: 190

HCR-3 / Wed-Thu

JUD

HB: **017**

HCR-1 / Fri 5-3

LIR

HB:

HCR-5 / Fri

W&M

HB: **492, 107, 203, 204, 612, 620**

HCR-6 / Mon-Tue 4-17 4-24 4-24 4-24 5-1 5-8

Substitutes: HB: 106 → 645, 463 → 648, 572 → 655, 427 → 658

Floor:

HB: **014, 249, 529, 351, 605**

SB: **171**

SENATE

Pending Referral

SB:

HB:

AGR

SB:

Room C / Tue

FIN

SB: 219

Room A / Mon

5-8

H&W

SB:

Room H / Wed

HB: 655

INS

SB:

Room A / Wed

HB:

JUD-B

SB:

Room E / Tue

HB:

JUD-C

SB:

Room F / Tue

HB: 075

5-23

S&GA

SB:

Room F / Wed

HB:

Floor:

SB:

HB:

Concurrence: HB:

SB:

Conference: HB: 471

6-8

SB: 164

Withdrawn: **HB: 115**

SB:

Passed: HB: 133, 403, 459, 645, 548, 221, 460, 578, 629, 090

Act # 14 125 369 183 358 442 311 281 382 399

SB: 020, 049, 014, 094, 066, 201

Act # 33 148 201 416 322 393

Vetoed:

HB: 648, 658