

2nd Extraordinary Session of the 2024 Louisiana Legislature
Convened 02-19-2024 @ 12 Noon – Adjourned 02-29-2024 @ 3:00 p.m.

Governor's Call for the 2nd Extraordinary Session

Final Legislative Report ~ 02-29-2024

Last Items Reviewed						
HB 23	HR 0	HCR 0	HSR 0	HCSR 0		
SB 15	SR 2	SCR 1	SSR 0	SCSR 0	Acts 20	
Total = 41				Items on Watch List = 2		

House of Representatives

Bills

<u>HB 6</u>	N. Muscarello [R-86, Hammond]	Administration of Criminal Justice
Provides relative to the methods of execution and for confidentiality of records and information relating to the execution of a death sentence. [Call Item #15] (04-04-2024)		
02-08-2024	Prefiled and referred to committee.	
02-20-2024	Amended, then reported favorably (14-0); ordered engrossed; recommitted to Committee on House & Governmental Affairs.	
02-21-2024	Amended, then reported favorably (12-5).	
02-22-2024	Reengrossed; passed to 3 rd reading and floor vote.	
02-23-2024	Amended, then passed House (71-29); bill re-reengrossed; sent to the Senate.	
02-25-2024	Referred to Senate Committee on Judiciary – C.	
02-26-2024	Amended, then reported favorably (5-1); referred to Legislative Bureau.	
02-27-2024	Reported with Legislative Bureau amendments, which were adopted; passed to 3 rd reading and final passage.	
02-28-2024	Called by title; returned to the calendar, subject to call.	
02-29-2024	Amended, then passed Senate (24-15); returned to the House for concurrence; House concurred with Senate amendments (68-29); Enrolled; signed by House Speaker & Senate President; Sent to the Governor for executive approval.	
03-05-2024	Signed by Governor as <u>Act No. 5</u> ; effective 07-01-2024.	

This bill seeks to amend the law relative to the execution of death sentences. The bill preserves the preferred method of lethal injection but adds the additional options for

electrocution and nitrogen hypoxia. The bill preserves the prohibition on forcing a licensed health care professional to administer a lethal injection and expands it to include participation in any method of execution. The bill adds a new provision excluding the purchase of drugs, medical supplies, medical equipment or any other necessary supplies to be used in an execution from the provisions of the Louisiana Procurement Code. The bill adds another new provision exempting any manufacturer, pharmacist, pharmacy, or practitioner from the provisions of Parts III, IV, or V of the Louisiana Pharmacy Practice Act when delivering, dispensing, distributing, supplying, manufacturing, or compounding any drug, equivalent drug product, pharmacy generated drug or device intended for use in the administration of an execution; however, the state shall comply with federal regulations regarding the importation of any drugs, medical supplies or medical equipment obtained for use in an execution. The bill further provides for the absolute confidentiality of any person or business who participates in or performs ancillary functions in the execution process, including a person or business that delivers, dispenses, distributes, supplies, manufactures, or compounds the drugs, equivalent drug products, pharmacy generated drugs, or devices, medical supplies or medical equipment. Records or information that could identify or reasonably be used to identify such persons or businesses shall not be disclosed, nor admissible as evidence in any proceeding before any court, tribunal, board, agency, legislative committee, or other person. Whoever violates the confidentiality provisions shall be imprisoned for not more than 2 years and fined not more than \$50,000. Moreover, the person whose identity was disclosed shall have a civil cause of action against the person who disclosed the information and may recover both actual and punitive damages. Finally, if the person or business participating in an execution is licensed by a board, the board shall not suspend or revoke the license or take any other disciplinary action against the license as a result of participation in an execution. House Committee Amendment No. 76 made several technical corrections and adjustments, but also requires the Dept. of Public Safety & Corrections to make counseling services available to any person involved in the execution of a death sentence. Bill recommitted to Committee on House & Governmental Affairs because the House rules require any legislation involving the Public Records Law to be considered by that committee. House Committee Amendment No. 99 made technical corrections to the bill. House Floor Amendment No. 82: (1) inserted a provision to exclude controlled substances used in executions from being reported to the prescription monitoring program; and (2) limited the requirement of available counseling services to certain persons identified in the bill. House Floor Amendment No. 109 made three technical changes. House Floor Amendment No. 135 added a provision that no member of the legislature or the Governor, or an immediate family member of the legislature or the Governor, or any business with which the legislator or the Governor or their immediate family member has a controlling interest as an owner, director, officer or majority shareholder shall offer or provide any drugs, medical supplies, or medical equipment necessary to execute a death sentence. Senate Committee Amendment No. 255: (1) removed the criminal penalties for unlawful disclosure of confidential information but retained the civil penalties; (2) inserted a provision for severability in the event of any constitutional challenges; and (3) changed the effective date of the bill to July 1, 2024. Legislative Bureau Amendment No. 292 was technical in nature. Senate Floor Amendment No. 355 inserted a provision requiring the entity maintaining records of drugs, medical supplies and medical equipment used for execution purposes to disclose that information to the state inspector general, for their review and certification that the procedures used did not

violate the prohibition on legislative and gubernatorial participation in such executions. While the certification shall be a public record, it shall not disclose any confidential information.

HB 8 L. Schlegel [R-82, Metairie] Administration of Criminal Justice
Provides relative to distribution of fentanyl under certain circumstances. [Call Item #24]
(04-29-2024)

02-08-2024	Prefiled and referred to committee.
02-20-2024	Reported favorably (14-0).
02-21-2024	Engrossed; passed to 3 rd reading.
02-22-2024	Amended, then passed House (91-13); sent to the Senate.
02-25-2024	Referred to Senate Committee on Judiciary – B.
02-26-2024	Reported favorably (7-0); referred to Legislative Bureau.
02-27-2024	Reported by Legislative Bureau without amendments; passed to 3 rd reading and final passage.
02-28-2024	Passed Senate (37-0).
02-29-2024	Enrolled; signed by House Speaker & Senate President; Sent to the Governor for executive approval.
03-06-2024	Signed by Governor as <u>Act No. 19</u> ; effective 04-29-2024.

This bill seeks to amend the controlled substance law by adding a new section specifying a penalty for conviction of the crime of unlawful distribution of fentanyl when the fentanyl product is packaged in such a manner to result in a reasonable appeal of the fentanyl product to minors. The bill contains definitions of “fentanyl” and “reasonable appeal.” The penalty shall be imprisonment at hard labor for not less than 25 years nor more than 99 years, without benefit of probation, parole or suspension of sentence.

[2]

Senate

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