

Regular Session of the 2024 Louisiana Legislature

New Laws ~ July 1, 2024

HB 46 K. Edmonston [R-88, Gonzales]
Provides that no person shall be required to receive a COVID-19 vaccination as a condition of enrollment or attendance at any public or nonpublic school.
06-19-2024 Signed as **Act No. 674**; effective 08-01-2024.

This bill amended the education law, more specifically the immunization requirements, to prohibit any requirement for a COVID-19 immunization as a condition of initial enrollment or continuing attendance at any public or nonpublic educational institution, including licensed day care centers, kindergarten, elementary, secondary, proprietary, vocational, college, or university facilities.

HB 47 K. Edmonston [R-88, Gonzales]
Requires that communication issued about immunization requirements include exemption information and exemptions not only to students seeking to enter school but also to students attending school.
06-19-2024 Signed as **Act No. 675**; effective 08-01-2024.

This bill amended the education law, more specifically the exemption from immunization sections, to require the institution to provide information about such exemptions and how to submit requests for exemptions from immunization requirements.

HB 64 J. Stagni [R-92, Kenner]
Prohibits the retail sale of nitrous oxide.
05-23-2024 Signed as **Act No. 248**; effective 08-01-2024.

This bill amended the controlled substance law, more specifically the section on dangerous chemical substances including nitrous oxide. The amendments preserved legitimate industrial and medical uses for the substance, made unlawful any other use or transaction with the substance, and increased the criminal penalties to include incarceration for up to one year and a fine of up to \$2,500. In addition, the Office of Alcohol & Tobacco Control (ATC) is authorized to regulate and enforce the provisions of this new law. This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 109 S. Mack [R-95, Livingston]
Provides relative to the review of agency rules.
05-23-2024 Signed as **Act No. 192**; effective 08-01-2024.

This bill amended the administrative procedure law to require the office of the state register to host an online portal where any interested person may comment on any agency rule at any time. The register must forward the comment to the appropriate agency, and the agency shall respond to the commentator within 90 days to state their rationale for defending the rule or, in the alternative, to institute rulemaking procedures to address the comment. The bill also added a new provision requiring each agency to undertake a review of a sufficient number of its rules every year such that all of its rules will be reviewed within a 5-year period; and further, the agency shall include the status of its review within their annual rulemaking reports to the legislature.

HB 165 D. Boyd [D-102, New Orleans]
Provides relative to marijuana paraphernalia.
06-19-2024 Signed as **Act No. 682**; effective 08-01-2024.

This bill amended the controlled substance law, more specifically the provisions related to drug paraphernalia. The amendments remove from the existing penalties for possession of drug paraphernalia any such paraphernalia used solely for marijuana, and then provides a penalty of a fine of \$100 for the 1st conviction, \$500 for the 2nd conviction, and \$2,500 for the 3rd and subsequent convictions. These fine amounts mirror the recently-changed penalties for simple possession of marijuana. This act will require an update of Louisiana Pharmacy Laws and Rules.

HB 192 D. Miller [D-40, Opelousas]
Re-creates the Louisiana Department of Health.
05-08-2024 Signed as **Act No. 20**; effective 06-30-2024.

This bill re-authorized the state health department and all its statutory entities (including all of the healthcare licensing boards). Every state department is automatically terminated at a specific date unless the legislature re-authorizes it prior to that specific date. This bill extended the automatic termination date for the health department and all its statutory entities until July 1, 2029.

HB 193 C. Turner [R-12, Ruston]
Authorizes the transfer of a prescription or prescription information for controlled substances between pharmacies in conformance with federal regulations.
05-23-2024 Signed as **Act No. 205**; effective 08-01-2024.

Sponsored by the Board of Pharmacy, this bill amended the controlled substance law, more specifically the provisions relative to prescriptions for controlled substances. The bill created a new subsection authorizing the transfer of a prescription or prescription information between pharmacies but only in conformance with federal regulations recently promulgated by the federal Drug Enforcement Administration (DEA). This bill was made necessary by the federal rule on the same topic, wherein such transfers are permitted but only if authorized by state law. This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 204 C. Turner [R-12, Ruston]
Adds substances to the Uniform Controlled Dangerous Substances Law.
05-21-2024 Signed as **Act No. 110**; effective 08-01-2024

Sponsored by the Board of Pharmacy, this bill amended the controlled substance law by adding new substances to the state list of controlled substances, in particular those substances added to the federal list of controlled substances since the 2023 legislative session. This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 376 N. Riser [R-20, Columbia]
Provides relative to the regulation of medical marijuana.
06-19-2024 Signed as **Act No. 693**; effective 01-01-2025.

This bill amended the controlled substance law, more specifically the provisions relative to therapeutic marijuana in Part X-E as well as the associated immunities from prosecution for marijuana possession in Part X. The bill transferred the Board of Pharmacy's regulatory authority for therapeutic marijuana to the state health department. All of the marijuana pharmacy permits will be transferred to the health department on January 1, 2025 and then converted to marijuana retail permits. Instead of reporting marijuana dispensing transactions to the state prescription monitoring program, the retailers will track patient level transactions in the Louisiana Medical Marijuana Tracking System (LMMTS). Those marijuana retailers will be required to appoint at least one pharmacist to supervise the sale of therapeutic marijuana and review the patient's records in the LMMTS prior to such sales. The bill also transferred the two permits for marijuana production from the two university agriculture centers (LSU and Southern University) to the private firms with which those universities currently contract for such services. Finally, the bill extended the current sunset date for the therapeutic marijuana program, from January 1, 2025 to July 1, 2030. This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 403 M. Echols [R-14, Monroe]
Adds drugs prescribed for certain ocular conditions to the listing of prescription drugs exempt from local sales and use taxes.
05-15-2024 Signed as **Act No. 76**; effective 07-01-2024.

This bill amended the revenue and tax law, more specifically the section which exempts certain prescription drugs from the imposition of local sales and use taxes. The amendment adds prescription drugs used for treatment of cataracts as well as drugs used for ocular inflammation and pain following ophthalmic surgery.

HB 456 P. Davis [R-69, Baton Rouge]
Provides relative to the administration of medication at school.
05-28-2024 Signed as **Act No. 378**; effective 08-01-2024.

This bill amended the education law, more specifically the existing provisions which authorize schools to administer medications to students. With respect to the existing

provisions which authorize schools to develop policies and procedures for the stocking and administration of naloxone or other opioid antagonists, the amendments require the state education department to develop a list of life-saving medications which schools may stock and the schools to develop policies and procedures and train their employees on the use of such medications. The bill also created a new subsection authorizing licensed healthcare professionals authorized to prescribe any life-saving medications to issue prescriptions for such medications in the name of the school; and further, authorizes pharmacists to dispense those medications pursuant to such prescriptions. Further, the bill authorizes schools to procure and possess such medications, and requires the employee training to include standards related to procurement, inventory, and recordkeeping.

HB 579 W. McMahan [R-10, Minden]

Provides relative to pharmacist authorization to dispense HIV pre-exposure and post-exposure prophylaxis.

06-19-2024

Signed as **Act No. 711**; effective 08-01-2024.

This bill amended the pharmacy law, to create a new section relative to administration of medication for treatment of human immunodeficiency virus (HIV). The state health department is required to promulgate rules no later than March 2025 to implement this new law. The rules will permit a pharmacist to perform a rapid HIV test or order laboratory testing for HIV infection for any person 17 years of age or older, and further, dispense up to a 30-day supply of HIV pre-exposure prophylaxis and up to a 28-day supply of HIV post-exposure prophylaxis in the absence of any prescription drug order. Finally, the bill requires a pharmacist performing such services to be reimbursed at the same rate as any other healthcare provider providing such service in accordance with the patient's health coverage insurance plan. This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 592 D. Miller [D-40, Opelousas]

Provides relative to workplace violence in healthcare settings.

06-11-2024

Signed as **Act No. 624**; effective 08-01-2024.

This bill amended the public health law, more specifically the provisions related to workplace violence in healthcare settings adopted in the 2022 legislative session. The amendments clarify that a healthcare facility is exempted from the facility requirements if it employs 5 or fewer licensed medical providers such as a physician, physician assistant, pharmacist, dentist, or advance practice registered nurse. This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 602 P. Davis [R-69, Baton Rouge]

Provides relative to stock emergency medications.

06-18-2024

Signed as **Act No. 657**; effective 08-01-2024.

This bill amended the public health law by creating a new section authorizing "qualified entities" to procure and possess "life-saving medications." The bill requires the state

health department to recognize such medications to treat a life-threatening condition, including but not limited to epinephrine, albuterol, naloxone, and glucagon. The definition of qualified entities includes any public or private entity where a medical emergency could occur, including child daycare centers, colleges and universities, places of employment, restaurants, amusement parks, recreation centers, after-school programs, sports fields and arenas and similar locations, but excludes public or non-public elementary and secondary schools. The bill authorizes licensed healthcare professionals authorized to prescribe such medications to issue prescriptions for such medications in the name of the qualified entity, and further, authorizes pharmacists to dispense such prescriptions. The bill authorizes the state surgeon general to issue a standing order for such medications he deems appropriate. This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 603 G. Firment [R-22, Pollock]

Provides relative to claims of pharmacists and pharmacies.

06-18-2024

Signed as **Act No. 658**; effective 08-01-2024.

This bill amended the insurance law, more specifically sections relative to claims filed by pharmacists and pharmacies. The amendment expanded the definition of “health insurance issuer” to include a pharmacy benefit manager or any person acting on behalf of a pharmacy benefit manager. A new subsection was added requiring the insurance department to promulgate rules relative to pharmacy record audits, claims reviews, and quality assurance reviews, as well as fraud and willful misrepresentation audits.

HB 658 C. Henry [R-42, Crowley]

Provides relative to notifications prior to administrative revocation of a license.

05-23-2024

Signed as **Act No. 487**; effective 08-01-2024.

This bill amended the administrative procedure law, more specifically the section relative to adverse actions against licenses. The previous law required prior notice by the agency via mail to the licensee or applicant. The amendment allows the notice to be sent electronically instead of by mail.

HB 716 C. Owen [R-30, Rosepine]

Provides for universal recognition of occupational licenses.

06-10-2024

Signed as **Act No. 568**; effective 08-01-2024.

This bill amended the professional and occupational standards law by adding a new subchapter relative to the universal recognition of occupational licenses issued by other states. The new section requires licensing agencies to issue licenses to applicants from other states who have held a current and valid license in the other state for at least one year, has not been disciplined and is not under investigation, and who can provide proof of residency in this state. If the licensing agency requires a jurisprudence examination for in-state applicants, the new resident applicant shall be required to take that examination. The licensing board shall issue its licensure decision within 60 days after its receipt of a complete application.

HB 720 L. Schlegel [R-62, Metairie]
Provides relative to the distribution of fentanyl under certain circumstances.
05-15-2024 Signed as **Act No. 85**; effective 08-01-2024.

This bill amended the controlled substance law, in particular a new section adopted in the previous legislative session. In addition to minor changes to the subsection relative to fentanyl packaged in a manner that reasonably appeals to minors, a new subsection was added to address when the fentanyl is packaged to resemble branded prescription medication or its generic equivalent. The penalty for violation of that new subsection is set for not less than 10 nor more than 40 years, without benefit of parole, probation, or suspension of sentence. This act will require an update to Louisiana Pharmacy Laws and Rule.

HB 828 D. Miller [D-40, Opelousas]
Provides relative to the professional organization of medical psychologists.
06-19-2024 Signed as **Act No. 731**; effective 08-01-2024.

This bill amended the medical licensing law, more specifically the portion relative to medical psychologists. The bill made optional the previous requirement for medical psychologists to maintain their original licensure from the psychology licensing board. In addition, the bill expanded their collaborative relationships from just physicians to also include advanced practice registered nurses and physician assistants. The bill did not make any changes to the prescriptive authority for medical psychologists.

HB 830 P. Egan [R-74, Covington]
Adds Tianeptine to Schedule I of the Uniform Controlled Dangerous Substance Law.
06-19-2024 Signed as **Act No. 732**; effective 08-01-2024.

This bill amended the controlled substance law by adding tianeptine to Schedule I of the state list of controlled substances. This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 839 T. Hebert [R-31, Lafayette]
Provides relative to step therapy or fail first protocols.
06-03-2024 Signed as **Act No. 453**; effective 08-01-2024.

This bill amended the insurance law, more particularly the existing law relative to step therapy and fail first protocols. The amendment exempts prescriptions or orders for ventilator treatment from any step therapy or fail first protocols required by any insurance plans.

HB 853 B. Myers [R-45, Lafayette]
Creates the office of surgeon general within the Louisiana Department of Health.
06-19-2024 Signed as **Act No. 739**; effective 06-19-2024.

This bill amended the state organization law, more specifically the portions relative to the state health department. The amendment created the office of surgeon general, requires his appointment by the governor and confirmation by the senate, and revised the existing definition of ‘state health officer’ to identify the surgeon general as the state health officer.

HB 899 M. Wright [R-77, Covington]

Provides relative to the Hope for Louisiana Patients Law.

06-19-2024

Signed as [Act No. 750](#); effective 08-01-2024.

This bill amended the public health law by creating a new section establishing a mechanism for patients to receive ‘individualized investigative treatment’, defined as drugs, biological products, or devices that are unique to and produced exclusively for use for an individual patient, based on his own genetic profile, including but not limited to individualized gene therapy antisense oligonucleotides and individualized neoantigen vaccines, but excluding any drug, biological product or device derived from human primary or secondary embryonic stem cells or cell lines, or tissues derived from abortion – but does include human perinatal tissue not derived from abortions. This new subchapter will be added to Louisiana Pharmacy Laws and Rules.

HB 952 D. Miller [D-40, Opelousas]

Provides relative to consumable hemp products.

06-19-2024

Signed as [Act No. 752](#); effective 01-01-2025.

This bill amended the agriculture law, more specifically the existing law relative to consumable hemp products. The bill was introduced to reduce the amount of THC found in consumable hemp products. The amendments:

- (1) set a maximum limit of THC per serving and per package in any product and defined serving for beverages and other liquid products [Non-liquids: 5 mg/serving with 40 mg per package; Tinctures: 1 mg/ml with 30 ml per package; Other Liquids: 5 mg/12oz serving with 4 servings per package];*
- (2) prohibit the inclusion of THC homologs any synthetic THC or any floral material in consumable hemp products;*
- (3) require product testing by laboratories approved by the state health department;*
- (4) enhance the regulatory authority of the office of alcohol and tobacco control over product retailers; and*
- (5) prohibit the retail sale of consumable hemp products in any location where gasoline is sold, with an exemption for licensed truck-stop facilities.*

HB 954 S. Mena [D-23, New Orleans]

Provides relative to occupations and professions.

06-11-2024

Signed as [Act No. 644](#); effective 08-01-2024.

This bill amended the professional licensing law, as well as the practice acts of several occupations and professions, including pharmacy. The amendment prohibits any licensing board from using the vague or generic terms including “moral turpitude” and

“good character.” In the pharmacy law, the bill revised the list of actions for which the board may sanction a licensee, specifically R.S. 37:1241(A)(4). This act will require an update to Louisiana Pharmacy Laws and Rules.

HB 972 D. Deshotel [R-28, Marksville]

Allows the La. State Board of Medical Examiners to grant certain temporary permits and licenses.

06-11-2024

Signed as **Act No. 646**; effective 08-01-2024.

This bill amended the medical practice licensing law, to create a new section authorizing the state medical board to issue licenses to international medical graduates.

SB 17 B. Mizell [R-12, Franklinton]

Adds tianeptine to Schedule I of the Uniform Controlled Dangerous Substance Law.

05-22-2024

Signed as **Act No. 143**; effective 08-01-2024.

This bill amended the controlled substance law by adding tianeptine to Schedule I of the state list of controlled substances. This act will require an update to Louisiana Pharmacy Laws and Rules.

SB 56 W. Wheat, Jr. [R-37, Ponchatoula]

Provides for the administration of medication to students by certain practitioners.

05-23-2024

Signed as **Act No. 161**; effective 05-23-2024.

This bill amended the education law, more specifically the section relative to administration of medication to students. The previous law required the student to have a prescription for the medication in question issued by a physician or dentist in Louisiana or one of the three adjacent states. The amendment allows the prescription to be issued by a physician or dentist licensed in any U.S. state.

SB 60 T. Pressly [R-38, Shreveport]

Provides relative to occupational licenses.

05-23-2024

Signed as **Act No. 253**; effective 08-01-2024.

In its final form, this bill mirrors Act No. 568, which originated as HB 716, relative to universal recognition of professional and occupational licenses.

SB 133 T. Pressly [R-38, Shreveport]

Provides relative to certain international organizations.

05-28-2024

Signed as **Act No. 395**; effective 05-28-2024.

This bill amended the state administration law, by adding a new section indicating that no rule, regulation, fee, tax, policy, or mandate of any kind from the World Health Organization, United Nations, or World Economic Forum may be enforced or

implemented by any state, parish, or local governmental entity.

SB 224 R. Owen [R-1, Slidell]

Provides relative to opioid alternatives.

05-28-2024

Signed as **Act No. 320**; effective 08-01-2024.

This bill amended the public assistance law, more specifically the Medicaid medication management provisions. The new section requires Medicaid managed care organizations to not deny coverage of a nonopioid medication in favor of an opioid medication when the nonopioid medication was prescribed for the treatment of acute or chronic pain. The new section further requires the state health department to review requests for opioid litigation settlement funds and provide assistance to political subdivisions from the department's share of the opioid litigation settlement.

SB 228 P. McMath [R-11, Covington]

Provides relative to marijuana for therapeutic use.

05-22-2024

Signed as **Act No. 150**; effective 05-22-2024.

This bill amended the controlled substance law, more specifically the provisions relative to medical marijuana. With respect to the definition of 'active qualified patient count' – which is used to justify the issuance of additional marijuana dispensing permits – the amendment changed the parameters of the mandated quarterly review, from the previous 3-month period to the previous 24-month period. The amendment also changed the recipient of the two authorized production permits – from the two university agricultural centers (LSU and Southern University) to the two private firms with which those universities currently contract for production services. The amendment further specifies a competitive bid process for the issuance of any replacement production permits. Another amendment specifically authorizes research on marijuana for therapeutic purposes by LSU Agricultural Center, Southern University Agricultural Center, and ULM. Finally, the program's sunset date was extended from January 1, 2025 to July 1, 2030. This act will require an update to Louisiana Pharmacy Laws and Rules.

SB 276 T. Pressly [R-38, Shreveport]

Creates the crime of coerced criminal abortion by means of fraud to prohibit a third party from knowingly using an abortion-inducing drug to cause, or attempt to cause, an abortion on an unsuspecting pregnant mother without her knowledge or consent and amends various abortion criminal laws to add the crime of attempted abortion.

05-24-2024

Signed as **Act No. 246**; effective 10-01-2024.

This bill amended the crime and criminal procedure laws, more specifically those related to abortion. The bill created a new provision creating the crime of coerced criminal abortion by means of fraud when a person knowingly and intentionally uses, or attempts to use, an abortion-inducing drug on a pregnant woman, without her knowledge or consent, to cause an abortion. The criminal penalty includes incarceration for not less than 5 nor more than 10 years, as well as a fine of not less than \$10,000 nor more than

\$75,000. If the unborn child was more than three months gestational age when the crime was committed, then the incarceration is not less than 10 years nor more than 20 years, and the fine is not less than \$50,000 nor more than \$100,000. Finally, the crime of criminal abortion by means of abortion-inducing drug was added to the list of crimes found in the definition of “racketeering activity.” The bill also added mifepristone and misoprostol to Schedule IV of the state list of controlled substances. In addition, the bill added a requirement for the Board of Pharmacy to notify all pharmacists about this law and the circumstances under which prescriptions for mifepristone and misoprostol may be dispensed; and further, directs the state health department to notify all prescribing practitioners about this law and the circumstances under which those two drugs may be prescribed and administered. This act will require an update to Louisiana Pharmacy Laws and Rules.

SB 281 R. Edmonds [R-6, Baton Rouge]

Provides for pharmacy record audits.

06-10-2024

Signed as **Act No. 514**; effective 08-01-2024.

This bill amended the insurance law, more specifically the provisions relating to claims filed by pharmacists and pharmacies. One of the amendments updated the definition of ‘health insurance issuer’ to include pharmacy benefit managers and any person who acts on behalf of a pharmacy benefit manager. The other substantive amendment inserted a new subsection requiring the state insurance commissioner to promulgate rules setting standards for policies and procedures governing the performance of pharmacy record audits, claims reviews and quality assurance reviews, as well as fraud and willful misrepresentation audits.

SB 332 A. Seabaugh [R-31, Many]

Repeals the Occupational Licensing Review Commission.

06-10-2024

Signed as **Act No. 516**; effective 01-01-2025.

This bill amended the professional and occupational standards law, more specifically the subchapter relative to the Occupational Licensing Review Commission established by Act 623 of the 2018 Legislature. The bill repealed the commission and all of its policies and requirements.

SB 444 K. Jackson-Andrews [D-34, Monroe]

Provides relative to pharmaceutical reimbursements.

06-19-2024

Signed as **Act No. 768**; effective 06-19-2024

This bill amended the insurance law, more specifically the section relative to reimbursement to pharmacies by pharmacy benefit managers. The bill inserted a new subsection which prohibits, effective January 1, 2025, a pharmacy benefit manager from reimbursing a pharmacist or pharmacy less than the acquisition cost for the covered drug, device, or service. However, that prohibition only applies to contracted pharmacists or pharmacies who own not more than five shares or five percent interest in a pharmaceutical wholesale group purchasing organization or vendor of any covered

drug, device, or service. The act includes an exception such that the bill does not apply to the reimbursement of claims administered by the state office of group benefit programs.

SB 462 V. Hodges [R-13, Denham Springs]

Provides for gubernatorial appointments.

06-05-2024

Signed as **Act No. 491**; effective 06-05-2024.

This bill amended the public officers law by adding a new subsection authorizing the governor to appoint the chairman or presiding officer of each board or commission whose appointment is not already provided for by the state constitution. In the event the governor elects to make such appointments, those appointments shall be made from the membership of the board or commission and confirmed by the state senate; further, those presiding officer appointments shall be for a term at the governor's pleasure.

SB 487 S. Cathey [R-33, Monroe]

Provides for hospital drug screenings.

06-19-2024

Signed as **Act No. 769**; effective 08-01-2024.

This bill amended the controlled substance law by creating a new section to require hospitals treating minors for suspected opioid overdose to include a test for fentanyl in any urine drug screens the hospital conducts. In the event the test for fentanyl is positive, the hospital shall report the de-identified test results to the state office of public health and comply with all requirements found in the state children's code. This act will require an update to Louisiana Pharmacy Laws and Rules.