

2019 Regular Session

HOUSE BILL NO. 375

BY REPRESENTATIVE TURNER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/RECORDS: Provides relative to criminal history record checks for certain licenses issued by the Louisiana Board of Pharmacy

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(26) and to enact R.S. 40:973.1, relative to criminal
3 history records checks; to provide relative to licensing requirements for a controlled
4 dangerous substance license issued by the Louisiana Board of Pharmacy; to
5 authorize the Louisiana Board of Pharmacy to perform criminal history records
6 checks on certain applicants; to provide for definitions; to provide relative to the
7 procedures and costs for the criminal history records checks; to provide for the use
8 of the criminal history records; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:973.1 is hereby enacted to read as follows:

11 §973.1. Louisiana Board of Pharmacy; criminal history record information

12 A. For purposes of this Section, the following definitions apply:

13 (1) "Applicant" means an individual who has applied to the board for the
14 issuance or reinstatement of any controlled dangerous substance license that the
15 board is authorized by law to issue.

16 (2) "Board" means the Louisiana Board of Pharmacy.

17 (3) "Bureau" means the Louisiana Bureau of Criminal Identification and
18 Information.

19 (4) "Criminal history record" or "criminal history record information" means
20 information collected by criminal justice agencies on individuals consisting of

1 identifiable descriptions and notations of arrests, detentions, indictments, bills of
2 information, or any formal criminal charges, and any disposition arising therefrom,
3 including sentencing, correctional supervision, and release. The terms do not include
4 information gathered or collected for intelligence or investigatory purposes, nor do
5 the terms include any identification information which does not indicate involvement
6 of the individual in the criminal justice system.

7 (5) "FBI" means the Federal Bureau of Investigation of the United States
8 Department of Justice.

9 (6) "Licensure" means any controlled dangerous substance license that the
10 board is authorized to issue.

11 B. In addition to any other requirement established by rule, the board may
12 require an applicant who is not in possession of a valid and verifiable license or other
13 credential from a standing professional board of the state of Louisiana or from the
14 Louisiana Department of Health, bureau of health services financing, health
15 standards, or their successors, to do the following as a condition for eligibility for
16 licensure:

17 (1) Submit fingerprints and other identifying information to the board.

18 (2) Permit the board to request and obtain state and national criminal history
19 record information on the applicant.

20 C.(1) The costs of providing the information required under this Section
21 shall be charged by the bureau, as specified in R.S. 15:587, to the board including
22 any additional costs of providing the national criminal history records check for
23 information that pertains to the applicant.

24 (2) The board may impose any or all of such fees or costs on the applicant.

25 D. Upon request by the board and upon the board's submission of an
26 applicant's fingerprints and other identifying information as may be required, the
27 bureau shall conduct a search of its criminal history record information relative to
28 the applicant and report the results of its search to the board within sixty days from

1 receipt of such request. Pursuant to R.S. 15:587, the bureau may charge the board
2 a processing fee.

3 E. If the criminal history record information reported by the bureau to the
4 board does not provide grounds for disqualification of the applicant for licensure by
5 the board, the board may forward the applicant's fingerprints and other identifying
6 information as may be required to the FBI with a request for a search of national
7 criminal history record information relative to the applicant.

8 F. Any state or national criminal history record information that is obtained
9 by the board from the bureau or FBI and that is not already a matter of public record
10 shall not be public record and shall be confidential, restricted to the exclusive use of
11 the board, its members, officers, investigators, agents, and attorneys in evaluating the
12 applicant's eligibility or ineligibility for licensure. No information or record related
13 to the state or national criminal history record information of an applicant shall be
14 released or otherwise disclosed to any other person or agency, except with the
15 written consent of the applicant or by an order of a court of competent jurisdiction.

16 Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

17 §4.1. Exceptions

18 * * *

19 B. The legislature further recognizes that there exist exceptions, exemptions,
20 and limitations to the laws pertaining to public records throughout the revised
21 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
22 limitations are hereby continued in effect by incorporation into this Chapter by
23 citation:

24 * * *

25 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 973.1, 1007,
26 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4,
27 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020,
28 2106, 2138, 2532, 2845.1

29 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 375 Reengrossed

2019 Regular Session

Turner

Abstract: Authorizes the La. Bd. of Pharmacy to perform a criminal history records check on applicants for controlled dangerous substance licenses.

Proposed law provides for the following definitions:

- (1) "Applicant" means an individual who has applied to the board for the issuance or reinstatement of any controlled dangerous substance license that the board is authorized by law to issue.
- (2) "Board" means the La. Bd. of Pharmacy.
- (3) "Bureau" means the La. Bureau of Criminal Identification and Information.
- (4) "Criminal history record" or "criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, correctional supervision, and release. The terms do not include information gathered or collected for intelligence or investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.
- (5) "FBI" means the Federal Bureau of Investigation of the U.S. Dept. of Justice.
- (6) "Licensure" means any controlled dangerous substance license that the board is authorized to issue.

Proposed law authorizes the La. Bd. of Pharmacy to require an applicant who is not in possession of a valid and verifiable license or other credential from a standing professional board of the state or from the La. Dept. of Health, bureau of health services financing, health standards, or their successors, to do the following as a condition for eligibility for licensure:

- (1) Submit fingerprints and other identifying information to the board.
- (2) Permit the board to request and obtain state and national criminal history record information on the applicant.

Proposed law provides that the costs of providing the criminal history record information shall be charged by the bureau, as specified in present law. Further authorizes the board to impose any or all of such fees or costs on the applicant.

Proposed law further requires the bureau, upon request by the board, to conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within 60 days from receipt of such request.

Proposed law provides that if the criminal history record information reported by the bureau does not provide grounds for disqualification, the board is required to forward the applicant's fingerprints and other identifying information to the FBI for a search of national criminal history record information.

Proposed law provides that any information obtained by the board from the bureau or the FBI which is not already a matter of public record shall not be public record and shall be confidential, restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility for licensure.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:973.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.