

2017 Regular Legislative Session

The 2017 Regular Legislative Session convened at noon on Monday, April 10, 2017. The following report tracks bills that are relevant to pharmacy and pharmacists.

The 2017 Regular Session of the Louisiana Legislature adjourned Sine Die on Thursday, June 8, 2017 at 6:00 pm. This was the sixth legislative session since Governor John Bel Edwards took office in January 2016.

The Governor called a Special Session to convene 30 minutes after the Regular Session in case the Legislature did not pass the relevant state budget bills. Legislators could not work out their differences on the budget during the final hour of the Regular Session, so the Second Special Session of 2017 convened at 6:30 pm Thursday.

The Second Special Session is limited to measures pertaining to appropriations of the state's budgets, capital outlay, or bond authorization. The House began the budget process today, and the Senate will return to the Capitol on Wednesday. The session must adjourn by June 19, 2017.

While the Regular Legislative Session is over, Governor Edwards still has time to act on bills sent to the Governor for action. We will continue to monitor all pertinent legislation and update you as needed.

HB 1 Henry, Cameron(R)

Provides for the ordinary operating expenses of state government for Fiscal Year 2017-2018. Effective July 1, 2017.

Bill History: 06-08-17 S Senate appointed conference committee (LaFleur, Alario, and Tarver)

HB 78 Dwight, Stephen(R)

Relocates the penalty for possession of phencyclidine, a Schedule II Controlled Dangerous Substance. Provides relative to the penalties for possession of phencyclidine. Penalties for the possession of phencyclidine include both imprisonment, with or without hard labor, for five to 20 years, a fine of \$5,000, or both.

Bill History: 06-02-17 S Returned to the calendar - subject to call

HB 132 Edmonds, Rick(R)

Provides relative to the allocation of expenditures of the state operating budget. Requires the initial allocation of the state operating budget to be reported by expenditure category and requires approval of the Joint Legislative Committee on the Budget prior to changes of the initial allocation.

Companion Bill: **HB 721 Schroder, John** (Refiled from 42R Session)

Bill History: 06-07-17 G Enrolled

HB 138 Jones, Sam(D)

Provides for reentry procedures following a disaster or emergency.

Bill History: 05-10-17 H Removed from hearing 05-11-17 - House Judiciary

HB 192 Moreno, Helena(D)

Provides for limitations on the prescribing of opioids. Proposed law prohibits a medical practitioner from prescribing more than 7-day supply when issuing first time opioid prescription for outpatient use to an adult patient with an acute condition. Law exempts prescriptions for more than 7-day supply which, in professional medical judgment of the medical practitioner, are necessary to treat the adult or minor patient's acute medical condition or are necessary for the treatment of chronic pain, pain associated with

a cancer diagnosis or palliative care. Requires a medical practitioner to consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription to a lesser quantity and discuss the risks of the opioid prescribed. Authorizes the pharmacist filling a prescription for an opioid to dispense the prescribed substance in an amount less than the recommended full quantity of the prescription at the patient's request. Pharmacists are authorized to ensure that the actual dispensed amount is accurately recorded in the prescription monitoring program.

Bill History: 06-02-17 G Enrolled

HB 225 Pearson, Kevin(R)

Adds certain substances to the Uniform Controlled Dangerous Substances Law. Includes: addition of U-47700, Furanyfentanyl, Acrylfentanyl, and Etizolam to Schedule I. The addition of Thiafentanil to Schedule II and Brivaracetam to Schedule V.

Bill History: 05-31-17 S G Enrolled

HB 250 Pylant, Steve(R)

Adds to present law to authorize local governments to establish needle exchange programs.

Bill History: 06-03-17 G Effective

HB 306 Johnson, Robert(D)

Provides relative to pharmacy reimbursement by managed care organizations. The bill provides that no managed care organization shall pay a local pharmacy a per-prescription reimbursement at a rate less than the legacy Medicaid rate.

Bill History: 06-05-17 G Enrolled

HB 405 Hoffman, Frank(R)

Provides relative to the Medicaid disability services system.

Bill History: 06-05-17 S Involuntarily Deferred Senate Finance

HB 427 Miller, Dustin(D)

Provides relative to the tax credit for certain medical providers. Changes the qualifications for the tax credit for health care providers who relocate to certain underserved areas of the state. Sets a \$1.5 million annual cap on the amount of the credit and requires the La. Dept. of Health administer the program and limits the credit to taxable periods ending prior to Jan 1, 2001.

Bill History: 06-06-17 G Enrolled

HB 428 Pugh, Steve(R)

Provides for unfair trade practices by insurers and pharmacy benefit managers. Allows the commissioner of insurance to investigate certain practices by insurers or producers, classified as unfair trade practices. The bill also states that insurers and PBM's cannot take adverse action against a healthcare provider for the following:

(1) Discussing any healthcare or healthcare cost issue with a patient or the public. (2) Disclosing a practice by the insurer or pharmacy benefit manager that is in violation of state law. (3) Providing information to or testifying before any public body conducting an investigation, hearing, or inquiry into any violation of law. (4) Objecting to or refusing to participate in a practice that is a violation of law or causes the provider financial loss. (5) Participating in the political process.

Bill History: 05-02-17 H Voluntarily Deferred in Committee House Insurance

HB 436 Talbot, Kirk(R)

Requires the disclosure of prescription drug price information. Provides for transparency relative to drug manufacturers providing information regarding prescription drug prices to insurers. Proposed law defines "average wholesale price", "committee", "department", "manufacturer", "prescription drug", and "prescription drug marketing". Establishes the Prescription Drug Review committee and requires the public members to have significant healthcare or pharmacy background. Law requires the committee to develop a list of critical prescription drugs made available in La. and the pricing of these drugs.

Bill History: 06-04-17 G Enrolled

HB 459 Bacala, Tony(R)

Creates and provides for a task force on coordination of Medicaid Fraud detection and prevention initiatives. Authorizes appropriation by the legislature of monies in the medical Assistance Programs Fraud detection Fund for activities of the task force.

Bill History: 06-07-17 G Enrolled

HB 488 LeBas, Bernard(D)

Provides relative to the Louisiana Board of Pharmacy. Present law provides for the **mandatory duties and permissive** powers of the La. Board of Pharmacy, Proposed law specifies when those powers and duties should be performed.

Bill History: 03-31-17 H Referred to House Committee on House Health and Welfare

HB 490 Leger, Walt(D)

Creates the Advisory Council on Heroin and Opioid Prevention and Education. States who the council will consist of and provides that the council shall also include nonvoting ex officio members who may advise and contribute to discussions pertaining to heroin and opioid prevention and education. Council will serve in an advisory capacity to the board and establish a Interagency Heroine and Opioid Coordination plan. Council will coordinate a parish level opioid overdoses and usage of overdose-reversal medication. The council is also to coordinate a central online location to disseminate information and resources and the proposed law also provides for the officers, quorum and voting requirements, comprehension, domicile, staffing, and meeting requirements of the council.

Bill History: 06-08-17 G Enrolled

HB 492 Magee, Tanner(R)

Provides for an independent claims review process within the Medicaid managed care program. Law creates and provides for definitions, requirements, limitations and exemptions for the Medicaid managed care program of the state.

Bill History: 06-07-17 G Enrolled

HB 529 Broadwater, Chris(R)

Provides for a workers' compensation closed pharmacy formulary. Requires that rules shall be promulgated and the enclosed pharmacy formulary be adopted by July 1, 2018 for the treatment of injured workers in workers' compensation claims.

Bill History: 03-31-17 H Referred to House Committee on House Labor and Industrial Relations

HB 586 Hunter, Marcus(D)

Requires certain publicly funded healthcare facilities and providers to institute policies relative to continuity of patient care for patients receiving publicly funded health care services.

Bill History: 05-22-17 H Reported by Substitute - now [HB 690](#)

HB 590 Hilferty, Stephanie(R)

Provides for a subcommittee of the Joint Legislative Committee on the Budget to review and make recommendations on certain statutory dedications. Proposed law (1) establishes a dedicated fund review subcommittee of the JLCB; (2) changes to percentage of special dedicated funds from not more than 25% to at least 25%; (3) requires JLCB to ensure that after 4 consecutive plans have been approved, all special funds established by law will have have been reviewed at least once; (4) requires the dedicated fund review committee to review funds in the approved plan instead of the JLCB; (5) requires the head of each state agency or entity receiving an appropriation from a fund in the previous 5 years to provide the subcommittee certain specified information on each fund; (6) requires the Speaker of the House and the President of the Senate to report findings to the legislature.

Bill History: 06-07-17 G Enrolled

HB 592 Talbot, Kirk(R)

Provides for the creation of a workers' compensation pharmacy formulary. Requires the development of medical treatment guidelines for injured workers in workers' compensation claims.

Bill History: 05-30-17 S Referred to Senate Committee on Senate Labor and Industrial Relations

HCR 8 Barras, Taylor(R)

Requires the Louisiana Department of Health to calculate, collect, and levy an assessment from hospitals not to exceed the lesser of one of the following: (1) The state portion of the cost of the reimbursement enhancements from the payment for healthcare services through the implementation of Medicaid expansion. (2) 1% of the total net patient revenue of all hospitals included in the assessment, as reported in the Medicare cost report ending in state FY 2015. Provides for the assessment if the following occur: (1) The applicable federal financial participation for newly eligible Medicaid recipients under Medicaid expansion is less than 100%. (2) LDH submits a medicaid assessment report to the Joint Legislative Committee. Provides for reimbursement enhancements. Requires LDH to publish quarterly reports relative to Medicaid enrollment, average premium rates, aggregate claims by provider, and total amount of hospital claims by hospital.

Bill History: 06-05-17 S Signed by the President of the Senate; Taken by the Clerk of the House and presented to the Secretary of State in accordance with the Rules of the House.

SB 35 Colomb, Yvonne(D)

Provides exemptions from arrest and prosecution to persons lawfully in possession of medical marijuana. Immunity is extended to the purchase, preparation, or transportation of marijuana, marijuana preparations, and marijuana paraphernalia.

Bill History: 06-06-17 G Enrolled

SB 39 Boudreaux, Gerald(D)

Provides relative to the Louisiana State Board of Medical Examiners. Members of the board will be appointed by the governor during a vacancy for reasons including expiration of term, removal, resignation, death, disability or disqualification in the same manner as the original appointment. Proposed law states that members of the board shall begin their appointment on July first in the year in which their appointment is made.

Bill History: 06-01-17 G Enrolled

SB 55 Mills, Fred(R)

Highlights who must obtain a controlled dangerous substance license in Louisiana. Clarifies that prescribing controlled dangerous substances in Louisiana must also obtain a license to do so prior to engaging in any such activity.

Bill History: 06-02-17 G Enrolled

SB 59 Mills, Fred(R)

Provides relative to prescription drug price information. Provides penalties for failure to comply with production of the form disclosing current and historical drug pricing information when marketing the drug.

Bill History: 06-02-17 G Enrolled

SB 75 Mills, Fred(R)

Provides relative to the transfer of agencies to the Louisiana Department of Health, provisions specific to the health profession licensing boards, and the provision to repeal an inactive council. Provides to the transfer of adjudicatory proceeding to the division of administrative law and the appointment of the consumer member to each board that does not already have one are effective January 1, 2018.

Bill History: 05-23-17 H Involuntarily Deferred House Health and Welfare

SB 88 Long, Gerald(R)

Provides relative to prescription drug price information. Provides penalties for failure to comply with production of the form disclosing current and historical drug pricing information when marketing the drug.

Bill History: 05-15-17 S Meeting set for 10:00 A.M. RM. A-B - Senate Finance

SB 96 Johns, Ronnie(R)

Provides relative to the prescription monitoring program. Provides statutory authority for certain individuals to have access to prescription monitoring program information.

Bill History: 06-02-17 G Enrolled

SB 153 Carter, Troy(D), Hunter, Marcus(D)

Provides for an increase in the state minimum wage. Requires the state minimum wage to be raised to the level that the federal minimum wage is raise.

Bill History: 05-24-17 S Vote failed in committee - Senate Finance