

2023 Regular Session

HOUSE BILL NO. 133

BY REPRESENTATIVE TURNER

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

PRESCRIPTION: Provides relative to the Prescription Monitoring Program Advisory Council

1 AN ACT

2 To amend and reenact R.S. 40:1005(B) and to enact R.S. 40:1005(D) and R.S. 42:17.4,  
3 relative to meetings of the Prescription Monitoring Program Advisory Council; to  
4 provide for a change in the frequency of meetings; to provide for meetings by  
5 electronic means; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1005(B) is hereby amended and reenacted and R.S. 40:1005(D)  
8 is hereby enacted to read as follows:

9 §1005. Prescription ~~monitoring program advisory council~~ Monitoring Program  
10 Advisory Council

11 \* \* \*

12 B. The members of the advisory council shall serve at the pleasure of their  
13 respective appointing authorities, eleven of whom shall constitute a quorum for the  
14 transaction of all business. The members shall elect a chairman and vice chairman  
15 whose duties shall be established by the advisory council. The board shall fix a time  
16 and place for regular meetings of the advisory council, which shall meet at least  
17 ~~quarterly~~ once annually. The advisory council shall establish policies and procedures  
18 necessary to carry out its duties.

19 \* \* \*

1           D. The advisory council may conduct and its members may attend and  
2           participate in a meeting via electronic means in accordance with the provisions of  
3           R.S. 42:17.4.

4           Section 2. R.S. 42:17.4 is hereby enacted to read as follows:

5           §17.4. Exception for meetings of the Prescription Monitoring Program Advisory  
6           Council

7           A. Notwithstanding any other provision of law to the contrary, the  
8           Prescription Monitoring Program Advisory Council, as provided in R.S. 40:1005,  
9           may conduct and its members may attend and participate in a meeting via electronic  
10          means if the Louisiana Board of Pharmacy, the advisory council, and its presiding  
11          officer comply with all of the requirements of this Section.

12          B. No later than twenty-four hours prior to a meeting conducted pursuant to  
13          the provisions of this Section, the advisory council shall provide for all of the  
14          following:

15               (1) The notice and agenda for the meeting, which shall be posted on the  
16               website of the Louisiana Board of Pharmacy, emailed to any member of the public  
17               or the news media who requests notice of meetings of the public body, and widely  
18               distributed to every known news media outlet that broadcasts or publishes news  
19               within the geographic area within the jurisdiction of the Louisiana Board of  
20               Pharmacy.

21               (2) Detailed information regarding how members of the public may  
22               participate in the meeting and submit comments regarding matters on the agenda,  
23               which information shall be posted on the website of the Louisiana Board of  
24               Pharmacy, emailed to any member of the public or the news media who requests  
25               notice of meetings of the public body, and widely distributed to every known news  
26               media outlet that broadcasts or publishes news within the geographic area within the  
27               jurisdiction of the Louisiana Board of Pharmacy.

28          C. For each meeting conducted pursuant to this Section, all of the following  
29          requirements shall apply:

1           (1) The advisory council shall provide a mechanism to receive public  
2           comment electronically both prior to and during the meeting.

3           (2) The advisory council shall properly identify and acknowledge all public  
4           comments during the meeting and shall maintain those comments in its record of the  
5           meeting.

6           (3) The presiding officer of the advisory council shall ensure that each  
7           person participating in the meeting is properly identified.

8           (4) The presiding officer shall ensure that all parts of the meeting, excluding  
9           any matter discussed in executive session, are clear and audible to all participants in  
10          the meeting including the public.

11          D. For the purposes of this Section, the following words and phrases have  
12          the following meanings:

13           (1) "Meeting via electronic means" means a meeting occurring via  
14           teleconference or video conference.

15           (2) "Teleconference" means a method of communication which enables  
16           persons in different locations to participate in a meeting and to hear and otherwise  
17           communicate with each other.

18           (3) "Video conference" means a method of communication which enables  
19           persons in different locations to participate in a meeting and to see, hear, and  
20           otherwise communicate with each other.

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#### 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)]

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HB 133 Reengrossed

2023 Regular Session

Turner

**Abstract:** Permits the Prescription Monitoring Program Advisory Council to conduct meetings electronically and allows members to attend and participate in meeting remotely.

Present law provides for an advisory council comprised of healthcare professional boards, law enforcement, and lawmakers to oversee the implementation of the electronic prescription tracking program known as the Prescription Monitoring Program.

Proposed law provides that the Prescription Monitoring Program Advisory Council (advisory council) may conduct and its members may attend and participate in a meeting remotely if the La. Board of Pharmacy and the advisory council and its presiding officer comply with all requirements of proposed law.

Proposed law provides that no later than 24 hours prior to a meeting, public notice must be given and participation requirements met in order to conduct a meeting remotely using electronic means. Proposed law further specifies information regarding public participation and commentary through electronic means.

Proposed law provides that the presiding officer of the advisory council shall ensure that each person participating in the meeting is properly identified and all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants and the public.

Proposed law defines "meeting via electronic means", "teleconference", and "video conference".

(Amends R.S. 40:1005(B); Adds R.S. 40:1005(D) and R.S. 42:17.4)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical corrections.