
DIGEST

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Greene

HB No. 275

Abstract: Authorizes the release of prescription drug monitoring information pursuant to a subpoena in a child custody or visitation proceeding.

Present law prohibits the disclosure of prescription monitoring information, except as provided in present law.

Proposed law retains present law.

Present law provides that prescription monitoring information shall not be available for civil subpoena nor shall such information be disclosed, discoverable, or compelled to be produced in any civil proceeding nor shall such records be deemed admissible as evidence in any civil proceeding for any reason.

Proposed law retains present law but adds an exception for prescription monitoring information provided pursuant to a validly issued subpoena when the prescription monitoring information relates to an individual who is a party to a proceeding for custody or visitation of a child and the requested information has a substantial bearing on the fitness of that person.

Proposed law provides that the prescription monitoring information shall be admissible as evidence only in a proceeding for custody or visitation of a child and only to the extent the information has a substantial bearing on the fitness of a party to the proceeding.

Present law authorizes the La. Board of Pharmacy (board) to provide a report containing prescription monitoring information upon application of local, state, out-of-state, and federal law enforcement or prosecutorial officials engaged in the administration, investigation, or enforcement of the laws governing controlled substances or other drugs of concern in compliance with and as limited by the relevant requirements of any of the following:

- (1) A court order or court-ordered warrant, or a subpoena or summons issued by a judicial officer.
- (2) A grand jury subpoena.
- (3) An administrative request, including an administrative subpoena or summons, a civil or an authorized investigative demand, or similar process authorized under law, provided by law enforcement to the board, and further, provided all of the following:

- (a) The information sought is relevant and material to a legitimate law enforcement inquiry.
- (b) The request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought.
- (c) De-identified information, or limited information that does not identify or could not reasonably lead to the identification of an individual patient, could not reasonably be used.

Proposed law retains present law and adds an authorization for a validly issued subpoena in a proceeding for custody or visitation of a child when the prescription monitoring information relates to an individual who is a party to the proceedings and the requested information has a substantial bearing on the fitness of that person.

Present law provides immunity for the board and the advisory council from civil liability arising from inaccuracy of any of the information submitted to the board pursuant to present law.

Proposed law retains present law.

Proposed law authorizes the board to levy and collect reasonable fees for the reproduction of any documents requested pursuant to a validly issued subpoena when the records sought are for an individual who is a party to a proceeding for custody or visitation and the records sought have a substantial bearing on the fitness of that individual.

Present law provides that the board shall not be required to fund any aspect of the prescription monitoring program.

Proposed law retains present law.

(Amends R.S. 40:1007(A), (B), (F), and (J) and 1013(D); Adds R.S. 40:1007(K) and 1013(E))