2019 Regular Session

HOUSE BILL NO. 375

## BY REPRESENTATIVE TURNER

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
21	identifiable descriptions and notations of arrests, detentions, indictments, bills of
22	information, or any formal criminal charges, and any disposition arising therefrom,
23	including sentencing, correctional supervision, and release. The terms do not include
24	information gathered or collected for intelligence or investigatory purposes, nor do
25	the terms include any identification information which does not indicate involvement
26	of the individual in the criminal justice system.

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1	(5) "FBI" means the Federal Bureau of Investigation of the United States
2	Department of Justice.
3	(6) "Licensure" means any controlled dangerous substance license that the
4	board is authorized to issue.
5	B. In addition to any other requirement established by rule, the board may
6	require an applicant who is not in possession of a valid and verifiable license or other
7	credential from a standing professional board of the state of Louisiana or from the
8	Louisiana Department of Health, bureau of health services financing, health
9	standards, or their successors, to do the following as a condition for eligibility for
10	licensure:
11	(1) Submit fingerprints and other identifying information to the board.
12	(2) Permit the board to request and obtain state and national criminal history
13	record information on the applicant.
14	C.(1) The costs of providing the information required under this Section
15	shall be charged by the bureau, as specified in R.S. 15:587, to the board including
16	any additional costs of providing the national criminal history records check for
17	information that pertains to the applicant.
18	(2) The board may impose any or all of such fees or costs on the applicant.
19	D. Upon request by the board and upon the board's submission of an
20	applicant's fingerprints and other identifying information as may be required, the
21	bureau shall conduct a search of its criminal history record information relative to
22	the applicant and report the results of its search to the board within sixty days from
23	receipt of such request. Pursuant to R.S. 15:587, the bureau may charge the board
24	a processing fee.
25	E. If the criminal history record information reported by the bureau to the
26	board does not provide grounds for disqualification of the applicant for licensure by
27	the board, the board may forward the applicant's fingerprints and other identifying
28	information as may be required to the FBI with a request for a search of national
29	criminal history record information relative to the applicant.

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1 F. Any state or national criminal history record information that is obtained 2 by the board from the bureau or FBI and that is not already a matter of public record 3 shall not be public record and shall be confidential, restricted to the exclusive use of 4 the board, its members, officers, investigators, agents, and attorneys in evaluating the 5 applicant's eligibility or ineligibility for licensure. No information or record related 6 to the state or national criminal history record information of an applicant shall be 7 released or otherwise disclosed to any other person or agency, except with the 8 written consent of the applicant or by an order of a court of competent jurisdiction. 9 Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows: 10 §4.1. Exceptions 11 12 B. The legislature further recognizes that there exist exceptions, exemptions, 13 and limitations to the laws pertaining to public records throughout the revised 14 statutes and codes of this state. Therefore, the following exceptions, exemptions, and 15 limitations are hereby continued in effect by incorporation into this Chapter by 16 citation: 17 18 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, <u>973.1</u>, 1007, 19 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4, 20 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020, 21 2106, 2138, 2532, 2845.1 22 SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: \_\_\_\_