

ACT No. 219

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.

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.

