

2020 Regular Session

SENATE BILL NO. 67

BY SENATOR FRED MILLS

HEALTH CARE. Provides for the repeal of certain inactive or obsolete laws. (8/1/20)

1 AN ACT

2 To repeal R.S. 28:4, 237, Chapter 2 of Title 28 of the Louisiana Revised Statutes of 1950,
3 consisting of R.S. 28:241 through 249, and 824(A) through (H), R.S. 36:259(B)(12),
4 (23), (27), (28), (29), and (33), R.S. 40:31.65(A), 642, 700.12, Part XI of Chapter 4
5 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1051
6 through 1055, 1057.12, 1058, 1105.10(C), 1105.11(C), 1135.13, Part III of
7 Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950,
8 consisting of R.S. 40:1185.1 through 1185.6, 1189.6, Part III of Subchapter D of
9 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S.
10 40:1215.1 and 1215.2, Part VI of Subchapter D of Chapter 5-D of Title 40 of the
11 Louisiana Revised Statutes of 1950, consisting of R.S. 40:1221.1 through 1221.11,
12 1249.3(B), 1261.1, 1263.5, Part IX of Subchapter A of Chapter 5-F of Title 40 of the
13 Louisiana Revised Statutes of 1950, consisting of R.S. 40:1277.1, Part X of
14 Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950,
15 consisting of R.S. 40:1279.1, 1283.2, Part V of Subchapter B of Chapter 5-F of Title
16 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1290.1 through
17 1290.4, Part I-A of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950,

1 consisting of R.S. 40:1312.1 through 1312.27, Subpart E of Part III of Chapter 6 of
2 Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1460.1 and
3 1460.2, 1597.2(B), 2001, 2009.1, 2013.4 through 2013.6, 2016, 2018.4, 2108,
4 2116.34(B), 2120.9, Part VI-B of Chapter 11 of Title 40 of the Louisiana Revised
5 Statutes of 1950, consisting of R.S. 40:2175.11 through 2175.15, Part VI-C of
6 Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S.
7 40:2176.1, Part IX of Chapter 11 of Title 40 of the Louisiana Revised Statutes of
8 1950, consisting of R.S. 40:2194 through 2194.5, Part X-A of Chapter 11 of Title 40
9 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2195.6, Part XI of
10 Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S.
11 40:2196 through 2196.7, Part XV of Chapter 11 of Title 40 of the Louisiana Revised
12 Statutes of 1950, consisting of R.S. 40:2200.11 through 2200.15, Chapter 16 of Title
13 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2331 and 2332,
14 Chapter 17 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S.
15 40:2351 through 2355, 2405.2, Chapter 21 of Title 40 of the Louisiana Revised
16 Statutes of 1950, consisting of R.S. 40:2481 through 2483, Chapter 23 of Title 40 of
17 the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2501 through 2505,
18 and Chapter 24 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of
19 R.S. 40:2511 through 2519, and R.S. 46:52.2, Subpart A-1 of Part I of Chapter 3 of
20 Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:160 through
21 160.11, Subpart B of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes
22 of 1950, consisting of R.S. 46:161 through 165, Subpart C of Part II of Chapter 3 of
23 Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:261,
24 Subpart D-3 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of
25 1950, consisting of R.S. 46:287.1 through 287.9, Subpart D-1 of Part VI-A of
26 Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of
27 R.S. 46:440.4 through 440.8, 1094(D), 1442.3, Chapter 25 of Title 46 of the
28 Louisiana Revised Statutes of 1950, consisting of R.S. 46:1991 through 1996,
29 2405.1, Chapter 35-A of Title 46 of the Louisiana Revised Statutes of 1950,

1 consisting of R.S. 46:2431 through 2434, Chapter 52 of Title 46 of the Louisiana
2 Revised Statutes of 1950, consisting of R.S. 46:2671 through 2675, and 2758.2(E)
3 and (F); to repeal certain inactive or obsolete laws; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 28:4, 237, Chapter 2 of Title 28 of the Louisiana Revised Statutes of
6 1950, consisting of R.S. 28:241 through 249, and 824(A) through (H) are hereby repealed.

7 Section 2. R.S. 36:259(B)(12), (23), (27), (28), (29), and (33) are hereby repealed.

8 Section 3. R.S. 40:31.65(A), 642, 700.12, Part XI of Chapter 4 of Title 40 of the
9 Louisiana Revised Statutes of 1950, consisting of R.S. 40:1051 through 1055, 1057.12,
10 1058, 1105.10(C), 1105.11(C), 1135.13, Part III of Subchapter B of Chapter 5-D of Title 40
11 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1185.1 through 1185.6,
12 1189.6, Part III of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes
13 of 1950, consisting of R.S. 40:1215.1 and 1215.2, Part VI of Subchapter D of Chapter 5-D
14 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1221.1 through
15 1221.11, 1249.3(B), 1261.1, 1263.5, Part IX of Subchapter A of Chapter 5-F of Title 40 of
16 the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1277.1, Part X of Subchapter
17 A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S.
18 40:1279.1, 1283.2, Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana
19 Revised Statutes of 1950, consisting of R.S. 40:1290.1 through 1290.4, Part I-A of Chapter
20 6 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1312.1 through
21 1312.27, Subpart E of Part III of Chapter 6 of Title 40 of the Louisiana Revised Statutes of
22 1950, consisting of R.S. 40:1460.1 and 1460.2, 1597.2(B), 2001, 2009.1, 2013.4 through
23 2013.6, 2016, 2018.4, 2108, 2116.34(B), 2120.9, Part VI-B of Chapter 11 of Title 40 of the
24 Louisiana Revised Statutes of 1950, consisting of R.S. 40:2175.11 through 2175.15, Part VI-
25 C of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S.
26 40:2176.1, Part IX of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950,
27 consisting of R.S. 40:2194 through 2194.5, Part X-A of Chapter 11 of Title 40 of the
28 Louisiana Revised Statutes of 1950, consisting of R.S. 40:2195.6, Part XI of Chapter 11 of
29 Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2196 through

1 2196.7, Part XV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950,
 2 consisting of R.S. 40:2200.11 through 2200.15, Chapter 16 of Title 40 of the Louisiana
 3 Revised Statutes of 1950, consisting of R.S. 40:2331 and 2332, Chapter 17 of Title 40 of the
 4 Louisiana Revised Statutes of 1950, consisting of R.S. 40:2351 through 2355, 2405.2,
 5 Chapter 21 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2481
 6 through 2483, Chapter 23 of Title 40 of the Louisiana Revised Statutes of 1950, consisting
 7 of R.S. 40:2501 through 2505, and Chapter 24 of Title 40 of the Louisiana Revised Statutes
 8 of 1950, consisting of R.S. 40:2511 through 2519 are hereby repealed.

9 Section 4. R.S. 46:52.2, Subpart A-1 of Part I of Chapter 3 of Title 46 of the
 10 Louisiana Revised Statutes of 1950, consisting of R.S. 46:160 through 160.11, Subpart B of
 11 Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S.
 12 46:161 through 165, Subpart C of Part II of Chapter 3 of Title 46 of the Louisiana Revised
 13 Statutes of 1950, consisting of R.S. 46:261, Subpart D-3 of Part II of Chapter 3 of Title 46
 14 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:287.1 through 287.9,
 15 Subpart D-1 of Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950,
 16 consisting of R.S. 46:440.4 through 440.8, 1094(D), 1442.3, Chapter 25 of Title 46 of the
 17 Louisiana Revised Statutes of 1950, consisting of R.S. 46:1991 through 1996, 2405.1,
 18 Chapter 35-A of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S.
 19 46:2431 through 2434, Chapter 52 of Title 46 of the Louisiana Revised Statutes of 1950,
 20 consisting of R.S. 46:2671 through 2675, and 2758.2(E) and (F) are hereby repealed.

The original instrument was prepared by Christine Arbo Peck. The following
 digest, which does not constitute a part of the legislative instrument, was
 prepared by Brandi Cannon.

DIGEST

SB 67 Engrossed 2020 Regular Session Fred Mills

Present law provides for certain laws which have become inactive or obsolete through
 statutorily imposed expiration dates, transfer or consolidation of functions, or attaining
 nonoperational status due to age or circumstance. Proposed law repeals present law as
 specifically identified below:

Title 28

R.S. 28:4 (Act 384 of 2009) - behavioral health implementation advisory committee
 dissolved by statute on July 1, 2011.

R.S. 28:237 (Act 755 of 2001) - status report on advance directives for behavioral health treatment submitted no later than January 15, 2003.

R.S. 28:241-249 (Act 389 of 1970) - South Louisiana Health Services District. Nonoperational.

R.S. 28:824(A)-(H) (Act 378 of 1989) - community and family support system plan submitted prior to convening of the 1998 Regular Session of the Legislature.

Title 36

R.S. 36:259(B)(12) Louisiana Obesity Prevention and Management Commission, (23) Louisiana Access to Better Care Medicaid Insurance Demonstration Project Oversight Board, (27) Board of Commissioners of the South Louisiana Health Services District, (28) Nursing Home Advisory Committee, (29) Hospital Licensing Council, and (33) Louisiana Narcotics Rehabilitation Commission are cross references in the transfer of agencies and function to the Louisiana Department of Health that are being repealed in Title 40 or Title 46.

Title 40

R.S. 40:31.65(A) (Act 10 of 2005) - director of Parkinson's disease registry shall implement a statewide reporting system by July 1, 2007.

R.S. 40:642 (Act 786 of 1978) - unspecified frequency of reporting on state food, drug, and cosmetic law. Data available upon request.

R.S. 40:700.12 (Act 507 of 1983) - unspecified frequency of reporting on water treatment devices. Data available upon request.

R.S. 40:1051-1055 (Act 575 of 1968) - Louisiana narcotics rehabilitation commission is nonoperational. Function provided for through other LDH programs.

R.S. 40:1057.12 (Act 590 of 1975) - unspecified frequency of reporting on state hazardous aerosol act. Data available upon request.

R.S. 40:1058 (Act 529 of 1976) - creates serenity house as a program under LDH. Nonoperational.

R.S. 40:1105.10(C) (Act 711 of 1983) - joint subcommittee on health and welfare oversee compilation of annual cancer report during the year. Data available upon request.

R.S. 40:1105.11(C) (Act 468 of 1984) - joint subcommittee on health and welfare oversee compilation of annual lung cancer report during the year. Data available upon request.

R.S. 40:1135.13 (Act 493 of 2016) - ambulance transport alternatives task force authority dissolved 90 days after submitting its final report to the legislature on April 9, 2018.

R.S. 40:1185.1-1185.6 (Act 36 of 2004) - federally qualified health center and rural health clinic expansion act long-term plan provided to Senate and House health and welfare committees by September 30, 2004.

R.S. 40:1189.6 (Act 1485 of 1997) - rural hospital licensing standard review committee and demonstration program implemented no later than 120 days after August 15, 1997.

R.S. 40:1215.1 and 1215.2 (Act 1052 of 1990) - HealthCare Access Act. Nonoperational. Function provided for in other LDH programs.

R.S. 40:1221.1-1221.11 (Act 801 of 2003) - Louisiana Seniors Pharmacy Assistance Law within LDH suspended upon commencement of a federal law on or after July 1, 2003, which provides a federal prescription drug program (Medicare Part D was established on January 1, 2006).

R.S. 40:1249.3(B) (Act 305 of 2010) - LDH rules and regulation promulgated by October 1, 2010.

R.S. 40:1261.1 (Act 985 of 1995) - managed care organization annual report requirement duplicative of report provided for in R.S. 40:1253.2.

R.S. 40:1263.5 (Act 206 of 1992) - bone marrow donor drive to be completed by September 1, 1995.

R.S. 40:1277.1 (Act 124 of 1958) - prohibits shoe fitting devices that use fluoroscopic, x-ray, or radiation without proper supervision. Obsolete provision.

R.S. 40:1279.1 (Act 91 of 1908) - makes it a crime to spit on certain floors. Obsolete provision.

RS 40:1283.2 (Act 666 of 2003) - environmental health surveillance system development deadline on or before July 1, 2003 with report submitted by February 1, 2004.

R.S. 40:1290.1-1290.4 (Act 263 of 2017) - state-level collaboration to improve public drinking water quality report due to House and Senate Committees on health and welfare no later than February 8, 2020. Automatically terminates December 31, 2020.

R.S. 40:1312.1-1312.27 (Act 159 of 1971) - Southern State Police Compact authorization. Nonoperational.

R.S. 40:1460.1 and 1460.2 (Act 720 of 1990) - State Police Corps. Nonoperational.

R.S. 40:1597.2(B) (Act 784 of 2014) - conveyance device safety study due on or before February 1, 2015.

R.S. 40:2001 (Act 287 of 1981) - LDH establish individual patient eligibility criteria for services in a state general hospital administered by the department. Nonoperational.

R.S. 40:2009.1 (Act 188 of 1958) - nursing home advisory committee. Nonoperational.

R.S. 40:2013.4-2013.6 (Act 35 of 1958) - evaluation center for exceptional children located near New Orleans as a unit under LDH. Nonoperational.

R.S. 40:2016 (Act 37 of 1958) - LDH Forest Glen Housing Unit. Nonoperational.

R.S. 40:2018.4 (Act 580 of 2014) - Louisiana Obesity Prevention and Management Commission ceases to exist on March 31, 2020.

R.S. 40:2108 (Act 90 of 1961) - Hospital Licensing Council. Nonoperational.

R.S. 40:2116.34(B) (Act 1252 of 1995) - annual legislative report of rules governing home health agencies. Obsolete provision. Rules published and available online.

R.S. 40:2120.9 (Act 299 of 2011) - LDH comprehensive plan on home and community based services to be submitted by January 15, 2012.

R.S. 40:2175.11-2175.15 (Act 571 of 2003) - alternate healthcare model. Nonoperational.

R.S. 40:2176.1 (Act 923 of 2001) - children's comfort care center pilot program terminated September 30, 2003.

R.S. 40:2194-2194.5 (Act 600 of 1991) - community-based healthcare program. Nonoperational. Function provided for through other LDH programs.

R.S. 40:2195.6 (Act 603 of 1993) - LDH establishment of primary healthcare clinics. Nonoperational. Function provided for through other LDH programs.

R.S. 40: 2196-2196.7 (Act 418 of 1992) - LDH community indigent healthcare program. Nonoperational. Function provided for through other LDH programs.

R.S. 40:2200.11-2200.15 (Act 905 of 2010) - LDH registration of proton beam radiotherapy equipment requirement ceases to be effective ten years from the date of issuance of first registration. Regulated by Department of Environmental Quality.

R.S. 40:2331 and 2332 (Act 100 of 1971) - Interstate Compact on Environmental Control. Nonoperational.

R.S. 40:2351-2355 (Act 460 of 1972) - Governor's Council on Environmental Quality. Function transferred to Department of Environmental quality.

R.S. 40:2405.2 (Act 108 of 1st Ex. Sess. 1998) - Peace Officer Training Study Committee abolished by statute July 31, 1999.

R.S. 40:2481-2483 (Act 701 of 1984) - LDH hypertension control program. Nonoperational.

R.S. 40:2501-2505 (Act 1148 of 1999) - Interagency Recreation Board. Nonoperational.

R.S. 40:2511-2519 (Act 122 of 1985) - missing children identification cards. Nonoperational.

Title 46

R.S. 46:52.2 (Act 775 of 2008) - neighborhood place service integration model pilot program by the end of Fiscal Year 2008-2009.

R.S. 46:160-160.11 (Act 1242 of 1995) - access to better care medical insurance demonstration project. Function provided for through other LDH programs.

R.S. 46:161-165 (Act 654 of 1977) - health screening and maintenance for the elderly pilot program. Nonoperational.

R.S. 46:261 (Act 639 of 2001) - Fatherhood First Initiative Council final report no later than March 1, 2015.

R.S. 46:287.1-287.9 (Act 857 of 1993) - family preservation services study submitted prior to the 1994 Regular Session of the Legislature.

R.S. 46:440.4-440.8 (Act 420 of 2017) - coordination of fraud and abuse detection and prevention initiatives terminated on August 1, 2019.

R.S. 46:1094(D) (Act 830 of 2006) - parish hospital service district for parish of Orleans feasibility study due no later than March 1, 2007.

R.S. 46:1442.3 (Act 1087 of 1990) - DCFS report on intergenerational childcare program submitted no later than March 1, 1991.

R.S. 46:1991-1996 (Act 664 of 1977) - Displaced Homemaker Act. Nonoperational.

R.S. 46:2405.1 (Act 237 of 2017) - Louisiana Children's Trust Fund and Children's Cabinet transfer report due on or before August 1, 2019.

R.S. 46:2431-2434 (Act 117 of 2016) - Foster Care and Permanence Task Force terminated on January 1, 2018.

R.S. 46:2671-2675 (Act 1185 of 1997) - Louisiana Medicaid funded adult residential assisted living pilot project final report no later than January 15, 2005.

R.S. 46:2758.2(E) and (F) (Act 214 of 2013) - DPSC and DCFS report to the legislature no later than July 1, 2014 and improved outcomes for at-risk youths program implementation no later than July 1, 2015.

Effective August 1, 2020.

(Repeals R.S. 28:4, 237, 241-249, and 824(A) through (H), R.S. 36:259(B)(12), (23), (27), (28), (29), and (33), R.S. 40:31.65(A), 642, 700.12, 1051-1055, 1057.12, 1058, 1105.10(C), 1105.11(C), 1135.13, 1185.1-1185.6, 1189.6, 1215.1-1215.2, 1221.1-1221.11, 1249.3(B), 1261.1, 1263.5, 1277.1, 1279.1, 1283.2, 1290.1-1290.4, 1312.1-1312.27, 1460.1 and 1460.2, 1597.2(B), 2001, 2009.1, 2013.4-2013.6, 2016, 2018.4, 2108, 2116.34(B), 2120.9, 2175.11-2175.15, 2176.1, 2194-2194.5, 2195.6, 2196-2196.7, 2200.11-2200.15, 2331 and 2332, 2351-2355, 2405.2, 2481-2483, 2501-2505, and 2511-2519, and R.S. 46:52.2, 160-160.11, 161-165, 261, 287.1-287.9, 440.4-440.8, 1094(D), 1442.3, 1991-1996, 2405.1, 2431-2434, 2671-2675, and 2758.2(E) and (F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Delete the provision repealing the Toxic Mold Task Force.
2. Make technical changes.