ENROLLED

2022 Regular Session

HOUSE BILL NO. 673

BY REPRESENTATIVE JORDAN

AN ACT

To amend and reenact R.S. 40:2869(D) and (E) and to enact R.S. 40:2869(A)(21) through (25) and (F) and R.S. 42:17.2, relative to pharmacy benefit managers; to provide for the pharmacy benefit manager monitoring advisory council; to provide for membership; to provide for technical changes; to provide for meetings of the advisory council conducted by electronic means; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2869(D) and (E) are hereby amended and reenacted and R.S. 40:2869(A)(21) through (25) and (F) are hereby enacted to read as follows:

§2869. Pharmacy benefit manager monitoring advisory council; membership; functions

A. There is hereby created a pharmacy benefit manager monitoring advisory council, referred to hereafter in this Chapter as the "advisory council", that shall consist of the following members, each of whom may appoint a designee:

* * *

(21) The governor.

(22) The chairman of the House Committee on Insurance.

(23) The chairman of the Senate Committee on Insurance.

(24) The chairman of the House Committee on Health and Welfare.

(25) The chairman of the Senate Committee on Health and Welfare.

* * *

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
D. The advisory council shall provide monitoring of pharmacy benefit managers in Louisiana to advise the legislature, commissioner of insurance, and Board of Pharmacy on the most effective and efficient manner of regulation of pharmacy benefit managers to ensure the protection of the public. Any licensed pharmacy benefit manager operating in the state of Louisiana shall provide full cooperation with the advisory council on matters including but not limited to those set forth in Subsection E of this Section.

E. The advisory council shall advise on matters that include but are including but not limited to the licensure and regulation of pharmacy benefit managers set forth in Title 22, Title 37, and Title 40 of the Louisiana Revised Statutes of 1950, applicable rules and regulations of state agencies, and federal laws or rules relative to pharmacy benefit managers.

F. The advisory council may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.

Section 2. R.S. 42:17.2 is hereby enacted to read as follows:

§17.2 Exception for meetings of the pharmacy benefit manager monitoring advisory council

A. Notwithstanding any other provision of this Chapter to the contrary, the pharmacy benefit manager monitoring advisory council, as provided for in R.S. 40:2869, may conduct and its members may attend and participate in a meeting via electronic means provided that the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory council and its presiding officer comply with all the requirements of this Section.

B. No later than twenty-four hours prior to a meeting conducted pursuant to the provisions of this Section, the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory council shall provide for all the following:

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

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

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

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

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

(3) The presiding officer of the advisory council shall ensure both of the following:

(a) That each person participating in the meeting is properly identified.

(b) That all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

D. For the purposes of this Section, the following definitions apply:

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

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

(3) "Video conference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.
Section 3. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: __________________________