

## 2019 Regular Session

HOUSE BILL NO. 375

BY REPRESENTATIVE TURNER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

**CRIMINAL/RECORDS:** Provides relative to criminal history record checks for certain licenses issued by the Louisiana Board of Pharmacy

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.

(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

1       identifiable descriptions and notations of arrests, detentions, indictments, bills of  
2       information, or any formal criminal charges, and any disposition arising therefrom,  
3       including sentencing, correctional supervision, and release. The terms do not include  
4       intelligence or investigatory purposes, nor do the terms include any identification  
5       information which does not indicate involvement of the individual in the criminal  
6       justice system.

7               (5) "FBI" means the Federal Bureau of Investigation of the United States  
8       Department of Justice.

9               (6) "Licensure" means any controlled dangerous substance license that the  
10      board is authorized to issue.

11               B. In addition to any other requirement established by rule, the board may  
12      require an applicant who is not in possession of a valid and verifiable license or other  
13      credential from a standing professional board of the state of Louisiana or from the  
14      Louisiana Department of Health, bureau of health services financing, health  
15      standards, or their successors, to do the following as a condition for eligibility for  
16      licensure:

17               (1) Submit fingerprints and other identifying information to the board.  
18               (2) Permit the board to request and obtain state and national criminal history  
19      record information on the applicant.

20               C.(1) The costs of providing the information required under this Section  
21      shall be charged by the bureau, as specified in R.S. 15:587(B), to the board including  
22      any additional costs of providing the national criminal history records check for  
23      information that pertains to the applicant.

24               (2) The board may impose any or all of such fees or costs on the applicant.

25               D. Upon request by the board and upon the board's submission of an  
26      applicant's fingerprints and other identifying information as may be required, the  
27      bureau shall conduct a search of its criminal history record information relative to  
28      the applicant and report the results of its search to the board within sixty days from

1        receipt of such request. Pursuant to R.S. 15:587, the bureau may charge the board  
2        a processing fee.

E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure by the board, the board may forward the applicant's fingerprints and other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

8                   F. Any state or national criminal history record information that is obtained  
9                   by the board from the bureau or FBI and that is not already a matter of public record  
10                  shall not be public record and shall be confidential, restricted to the exclusive use of  
11                  the board, its members, officers, investigators, agents, and attorneys in evaluating the  
12                  applicant's eligibility or ineligibility for licensure. No information or record related  
13                  to the state or national criminal history record information of an applicant shall be  
14                  released or otherwise disclosed to any other person or agency, except with the  
15                  written consent of the applicant or by an order of a court of competent jurisdiction.

16           Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

17           §4.1. Exceptions

18 \* \* \*

19                   B. The legislature further recognizes that there exist exceptions, exemptions,  
20                   and limitations to the laws pertaining to public records throughout the revised  
21                   statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
22                   limitations are hereby continued in effect by incorporation into this Chapter by  
23                   citation:

24 \* \* \*

29 \* \* \*

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 375 Original

2019 Regular Session

Turner

**Abstract:** Authorizes the La. Bd. of Pharmacy to perform a criminal history records check on applicants for controlled dangerous substance licenses.

Proposed law provides for the following definitions:

- (1) "Applicant" means an individual who has applied to the board for the issuance or reinstatement of any controlled dangerous substance license that the board is authorized by law to issue.
- (2) "Board" means the La. Bd. of Pharmacy.
- (3) "Bureau" means the La. Bureau of Criminal Identification and Information.
- (4) "Criminal history record" or "criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, correctional supervision, and release. The terms do not include intelligence or investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.
- (5) "FBI" means the Federal Bureau of Investigation of the U.S. Dept. of Justice.
- (6) "Licensure" means any controlled dangerous substance license that the board is authorized to issue.

Proposed law authorizes the La. Board of Pharmacy to require an applicant who is not in possession of a valid and verifiable license or other credential from a standing professional board of the state or from the La. Dept. of Health, bureau of health services financing, health standards, or their successors, to do the following as a condition for eligibility for licensure:

- (1) Submit fingerprints and other identifying information to the board.
- (2) Permit the board to request and obtain state and national criminal history record information on the applicant.

Proposed law provides that the costs of providing the criminal history record information shall be charged by the bureau, as specified in present law. Further authorizes the board to impose any or all of such fees or costs on the applicant.

Proposed law further requires the bureau, upon request by the board, to conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within 60 days from receipt of such request.

Proposed law provides that if the criminal history record information reported by the bureau does not provide grounds for disqualification, the board is required to forward the applicant's fingerprints and other identifying information to the FBI for a search of national criminal history record information.

Proposed law provides that any information obtained by the board from the bureau or the FBI which is not already a matter of public record shall not be public record and shall be confidential, restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility for licensure.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:973.1)