

ACT No. 723

2022 Regular Session

HOUSE BILL NO. 673

BY REPRESENTATIVE JORDAN

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2869(D) and (E) are hereby amended and reenacted and R.S.
10 40:2869(A)(21) through (25) and (F) are hereby enacted to read as follows:

11 §2869. Pharmacy benefit manager monitoring advisory council; membership;
12 functions

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

16 * * *

17 (21) The governor.

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

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

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

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

22 * * *

1 D. The advisory council shall provide monitoring of pharmacy benefit
 2 managers in Louisiana to advise the legislature, commissioner of insurance, and
 3 Board of Pharmacy on the most effective and efficient manner of regulation of
 4 pharmacy benefit managers to ensure the protection of the public. Any licensed
 5 pharmacy benefit manager operating in the state of Louisiana shall provide full
 6 cooperation with the advisory council on matters including but not limited to those
 7 set forth in Subsection E of this Section.

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

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

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

16 §17.2 Exception for meetings of the pharmacy benefit manager monitoring
 17 advisory council

18 A. Notwithstanding any other provision of this Chapter to the contrary, the
 19 pharmacy benefit manager monitoring advisory council, as provided for in R.S.
 20 40:2869, may conduct and its members may attend and participate in a meeting via
 21 electronic means provided that the Louisiana Board of Pharmacy, the Department of
 22 Insurance, and the advisory council and its presiding officer comply with all the
 23 requirements of this Section.

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

27 (1) The notice and agenda for the meeting, which shall be posted on the
 28 website of the Louisiana Board of Pharmacy and the Department of Insurance,
 29 emailed to any member of the public or the news media who requests notice of
 30 meetings of the public body, and widely distributed to every known news media

1 outlet that broadcasts or publishes news within the geographic area within the
 2 jurisdiction of the public body.

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

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

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

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

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

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

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

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

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

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

28 (3) "Video conference" shall mean a method of communication which
 29 enables persons in different locations to participate in a meeting and to see, hear, and
 30 otherwise communicate with each other.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____