

1 HLS 19-  
2 Regular Session, 2019  
3 House Bill No. \_\_\_\_\_  
4 By Representative

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6 CONTROLLED SUBSTANCES: Provides authority to the Louisiana Board of Pharmacy to  
7 require applicant for state controlled dangerous substance license to furnish criminal  
8 history record information.

9

10 AN ACT

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12 To enact R.S. 40:973.1, relative to authorization to obtain criminal history record information.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 40:973.1 is hereby enacted to read as follows:

15 §973.1. Authorization to obtain criminal history record information

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17 A. As used in this Section, the following terms shall have the meaning ascribed  
18 to them herein:

19 (1) “Applicant” means an individual who has made application to the board  
20 for the issuance or reinstatement of any controlled dangerous substance  
21 license that the board is authorized by law to issue.

22 (2) “Board” means the Louisiana Board of Pharmacy.

23 (3) “Bureau” means the Louisiana Bureau of Criminal Identification and

24 Information of the office of state police within the Department of Public  
25 Safety and Corrections.

26 (4) “Criminal history record information” means information collected by  
27 state and federal criminal justice agencies on individuals consisting of  
28 identifiable descriptions and notations of arrests, detentions, indictments,  
29 bills of information, or any formal criminal charges, and any disposition  
30 arising therefrom, including sentencing, criminal correctional  
31 supervision, and release, but does not include intelligence for  
32 investigatory purposes, nor does it include any identification information  
33 which does not indicate involvement of the individual in the criminal  
34 justice system.

35 (5) “FBI” means the Federal Bureau of Investigation of the United States  
36 Department of Justice.

37 (6) “Licensure” means any license, permit, certification, or registration that  
38 the board is authorized to issue.

39 B. In addition to any other requirements established by rule, the board may  
40 require an applicant not in possession of a valid and verifiable license or other  
41 credential from a standing professional board of the State of Louisiana, or  
42 from the Department of Health, Bureau of Health Services Financing, Health  
43 Standards, or their successors, as a condition for eligibility for licensure:

44 (1) To submit a full set of fingerprints, in a form and manner prescribed by  
45 the board.

46 (2) To permit the board to request and obtain state and national criminal  
47 history record information on the applicant.

48                   (3) To collect from the applicant, in addition to all other applicable fees and  
49                                 costs, such amount as may be incurred by the board in requesting and  
50                                 obtaining state and national criminal history record information.

51           C. In accordance with the provisions and procedures prescribed by this Section,  
52                   the board may request and obtain state and national criminal history record  
53                   information from the bureau and the FBI relative to any applicant for  
54                   licensure whose fingerprints the board has obtained pursuant to this Section  
55                   for the purpose of determining the applicant's suitability and eligibility for  
56                   licensure.

57           D. Upon request by the board and upon the board's submission of an applicant's  
58                   fingerprints, and such other identifying information as may be required, the  
59                   bureau shall conduct a search of its criminal history record information  
60                   relative to the applicant and report the results of its search to the board within  
61                   60 days from receipt of such request. The bureau may charge the board a  
62                   processing fee pursuant to R.S. 15:587 for conducting and reporting on any  
63                   such search.

64           E. If the criminal history record information reported by the bureau to the board  
65                   does not provide grounds for disqualification of the applicant for licensure  
66                   under the applicable law administered by the board, the board shall have the  
67                   authority to forward the applicant's fingerprints and such other identifying  
68                   information as may be required to the FBI with a request for a search of  
69                   national criminal history record information relative to the applicant.

70           F. Any and all state or national criminal history record information obtained by

71 the board from the bureau or FBI which is not already a matter of public  
72 record shall be deemed nonpublic and confidential information, restricted to  
73 the exclusive use of the board, its members, officers, investigators, agents, and  
74 attorneys in evaluating the applicant's eligibility or disqualification for  
75 licensure. No such information or records related thereto shall, except with  
76 the written consent of the applicant or by order of a court of competent  
77 jurisdiction, be released or otherwise disclosed by the board to any other  
78 person or agency.  
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