

ACTS OF 2023

LEGISLATURE

Acts 261-325

ACT No. 261

SENATE BILL NO. 173

BY SENATOR FOIL AND REPRESENTATIVES BRYANT, ROBBY CARTER,
FISHER, GLOVER, HUGHES, LARVADAIN, MARCELLE, MARINO,
NEWELL, SELDERS AND WILLARD

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

AN ACT

To amend and reenact R.S. 4:183(A) and (B)(2) through (4), 183.2(A) and (B) (2) and the introductory paragraph of R.S. 27:361(B)(4)(a), 361(B)(4)(a)(iii), and 438(A), and to enact R.S. 4:183.2(B)(3) and (4), and R.S. 27:361(B)(4)(a)(iv), relative to horse racing; to provide relative to authorized representatives; to provide for disposition of accrued interest on undistributed monies; to provide for the conduct of slot machine gaming activity; to provide relative to purse supplements; to provide for distribution of device revenues; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:183(A) and (B)(2) through (4), 183.2(A) and (B)(2) are hereby amended and reenacted and R.S. 4:183.2(B)(3) and (4) are hereby enacted to read as follows:

§183. Contracts between licensees and permittees licensed to race horses at race meetings conducted in the state

A. The monies to be distributed by a licensee as purses to permittees licensed to race horses in Louisiana and the monies to be distributed by a licensee to the Horsemen's Benevolent and Protective Association for the use and benefit of such permittees, their employees, and others, for hospital and medical benefits and for the administrative expenses in providing these benefits shall be and include:

* * *

B.

* * *

(2) In the event the amount distributed as purses is more than the amount required by Subsection A of this Section, the overpayment shall be carried forward to the next race meeting conducted by the same association. It shall be carried on the association books as an asset: **unless and until the overpayment is remitted to the Horsemen's Benevolent and Protective Association pursuant to R.S. 4:183.2. If remitted to the Horsemen's Benevolent and Protective Association, the overpayment shall be carried on the Horsemen's Benevolent and Protective Association books as an asset.**

(3) In the event the amount distributed as purses to persons licensed to race horses at thoroughbred race meetings conducted in the state is less than the amount required by this Section, and more than an amount equal to two times the average daily purse distribution at the thoroughbred race meeting at which generated, it shall be delivered to the Horsemen's Benevolent and Protective Association for further distribution to persons having earned monies during the meeting, in the direct proportion that the underpayment is to the monies earned by that person at that meeting. In the event the underpayment is less than an amount equal to two times the average daily purse distribution at that meeting, it shall be retained by the association **or the Horsemen's Benevolent and Protective Association** in an interest bearing account to be used for purses at the next thoroughbred meeting conducted by that association. Interest earned on the account shall be added to the purse paid over and above the amount required to be paid as purses by this Section.

(4) In the event the amount distributed as purses to persons licensed to race horses at quarter horse race meetings conducted in the state is less than the amount required by this Section and more than an amount equal to two times the average daily purse distribution at the quarter horse race meeting at which generated, it shall be delivered to the Horsemen's Benevolent and Protective Association for further distribution to persons having earned monies during the meeting, in the direct proportion that the underpayment is to the monies earned by that person at that meeting. In the event the underpayment is less than an amount equal to two times the average daily purse distribution at that meeting, it shall be retained by the association **or the Horsemen's Benevolent and Protective Association** in an interest bearing account to be used for purses at the next quarter horse meeting conducted by that association. Interest earned on the account shall be added to the purse paid over and above the amount required to be paid as purses by this Section.

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§183.2. Disposition of accrued interest on undistributed monies at a race meeting

A. Monies designated for purses under R.S. 4:183(A) shall be **remitted to the Horsemen's Benevolent and Protective Association within ten business days to be deposited by the licensee** in a separate interest-bearing account when earned and shall remain in that account until the first day of the next race meeting of the appropriate breed. Monies earned as interest on that account shall be added to those designated for purses under R.S. 4:183(A) and shall be considered part of the gross purses as defined therein.

B.

* * *

(2) Until all monies have been distributed in accordance with R.S. 4:183(A) (4), the Horsemen's Benevolent and Protective Association **or all member and other horsemen in the state and all other persons or entities that receive purse or purse supplement funds** shall be deemed to hold a perfected security interest in and to all funds that are deemed to have been earned pursuant to this Section and that have not yet been distributed in accordance with R.S. 4:183(A)(4). All earned purse money not yet distributed as purses shall be deemed to be held in trust for the benefit of the Horsemen's Benevolent and Protective Association by the licensee until such time as such monies are distributed in accordance with law. ~~A licensee shall have a fiduciary duty to the Horsemen's Benevolent and Protective Association to preserve and account for such monies:~~ **or remitted to the Horsemen's Benevolent and Protective Association pursuant to Subsection A of this Section. Following the remittance to the Horsemen's Benevolent and Protective Association by the licensee, all earned purse money not yet distributed shall be deemed to be held in trust for the benefit of all member and other horsemen in the state and all other persons or entities that receive purse funds by the Horsemen's Benevolent and Protective Association until such time as the monies are distributed in accordance with the law.**

(3) **A licensee shall have a fiduciary duty to the Horsemen's Benevolent and Protective Association to preserve and account for such monies until such monies are remitted to the Horsemen's Benevolent and Protective Association. Once the licensee remits the monies designated for purses in accordance with R.S. 4:183(A) to the Horsemen's Benevolent and Protective Association pursuant to Subsection A of this Section, it shall have no fiduciary duty to the Horsemen's Benevolent and Protective Association, any member or other horsemen, or any person or entity that receives purse funds to preserve and account for such monies and shall be indemnified against any loss of monies or other circumstance causing the amount of funds to be less than what the licensee remitted to the Horsemen's Benevolent and Protective Association. The Horsemen's Benevolent and Protective Association shall have a fiduciary duty to all member and other horsemen in the state and all other persons or entities that receive purse funds to preserve and account for such monies.**

(4) **The account containing the monies remit to the Horsemen's Benevolent and Protective Association pursuant to Subsection A of this Section shall be subject to audit at all times by the legislative auditor and shall be included in the annual audit required by R.S. 4:185.1.**

Section 2. The introductory paragraph of R.S. 27:361(B)(4)(a), 361(B)(4)(a)(iii), and 438(A) are hereby amended and reenacted and R.S. 27:361(B)(4)(a)(iv) is hereby enacted to read as follows:

§361. Conduct of slot machine gaming; temporary conduct

* * *

B. As a condition of licensing and to maintain continued authority for the conduct of slot machine gaming at the licensed eligible facility, the owner of the licensed eligible facility shall:

* * *

(4) Contribute to the support of pari-mutuel wagering facilities in the state at large and the horse breeding industry by paying annually from the annual net slot machine proceeds received from slot machine gaming operations at the licensed eligible facility as provided in this Paragraph:

(a) ~~The licensed eligible facility shall pay a fixed percentage of fifteen percent of the annual net slot machine proceeds received from slot machine gaming operations at the licensed eligible facility to supplement purses as follows:~~ **transfer to the Horseman's Benevolent and Protective Association by the twentieth day of each month a fixed percentage of fifteen percent of the previous month's net slot machine proceeds received from slot machine gaming operators at the licensed eligible facility to supplement purses including any interest earned as follows:**

* * *

(iii) The Horsemen's Benevolent and Protective Association, **designated and recognized as an authorized representative of the Louisiana horsemen,** shall be deemed to hold a perfected security interest in and to the fifteen percent of the annual net slot machine proceeds received from slot machine gaming operations at the licensed eligible facility that is required to supplement purses until such purse supplements have been distributed as purses or distributed to the Horsemen's Benevolent and Protective Association in accordance with law. All such purse supplements shall be deemed to be held in trust for the benefit of the Horsemen's Benevolent and Protective Association by the licensee until such time as such monies are distributed in accordance with law. ~~A licensee shall have a fiduciary duty to the Horsemen's Benevolent and Protective Association to preserve and account for such purse supplements:~~ **or transferred to the Horsemen's Benevolent and Protective Association pursuant to this Paragraph. The purse supplements transferred by the licensee to the Horsemen's Benevolent and Protective Association as required in this Subparagraph and not yet distributed shall be deemed to be held in trust for the benefit of all members and other horsemen in the state and all other persons or entities that receive purse supplements by the Horsemen's**

Benevolent and Protective Association until such time as the monies are distributed in accordance with the law.

(iv) A licensee shall have a fiduciary duty to the Horsemen's Benevolent and Protective Association to preserve and account for only the purse supplements in its control. Once the licensee transfers purse supplements to the Horsemen's Benevolent and Protective Association, it shall have no fiduciary duty to Horsemen's Benevolent and Protective Association, any member or other horsemen, or any person or entity that receive purse supplements to preserve and account for the transferred purse supplements and shall be indemnified against any loss or other circumstance causing the amount of purse supplements to be less than what the licensee transferred to the Horsemen's Benevolent and Protective Association and the Horsemen's Benevolent and Protective Association shall have a fiduciary duty to all member and other horsemen in the state and all other persons or entities that receive purse supplements to preserve and account for such purse supplements. The account containing the purse supplements transferred to the Horsemen's Benevolent and Protective Association pursuant to this Paragraph shall be subject to audit at all times by the legislative auditor and shall be included in the annual audit required by R.S. 4:185.1.

* * *

§438. Distribution of device revenues; particular licensed establishments; pari-mutuel wagering facilities

A.(1) The owner of the licensed establishment shall pay twenty percent of the net video draw poker device revenue derived from the operation of video draw poker devices at that licensed establishment and at its eligible off-track wagering facilities to the Horsemen's Benevolent and Protective Association to be used to supplement purses for horsemen as provided in Subsection B of this Section. Such monies shall be made available remitted to the Horsemen's Benevolent and Protective Association for use as purses monthly, prior to the twentieth day of the month following the month in which they are earned.

(2) The Horsemen's Benevolent and Protective Association shall have a fiduciary duty to all members and other horsemen in the state and all persons or entities that receive purse supplements to preserve and account for such purse supplements. The account containing the purse supplements transferred to the Horsemen's Benevolent and Protective Association pursuant to this Subsection shall be subject to audit at all times by the legislative auditor and shall be included in the annual audit required by R.S. 4:185.1. The licensee shall have no fiduciary duty to the Horsemen's Benevolent and Protective Association, any member or other horsemen, or any person or entity that receives purse supplements to preserve and account for the transferred purse supplements and shall be indemnified against any loss or other circumstance causing the amount of purse supplements to be less than what the licensee transferred to the Horsemen's Benevolent and Protective Association.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 262

SENATE BILL NO. 183

BY SENATOR TALBOT AND REPRESENTATIVE GAROFALO

AN ACT

To amend and reenact R.S. 47:293(2)(f), relative to deductions from individual income tax; to provide relative to the construction code retrofitting deduction; to authorize a taxpayer claiming the deduction to additionally receive certain grants; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:293(2)(f) is hereby amended and reenacted to read as follows:

§293. Definitions

The following definitions shall apply throughout this Part, unless the context requires otherwise:

* * *

(2)

* * *

(f) A taxpayer shall not receive any other state tax credit, exemption, exclusion, deduction, or any other tax benefit for items of tangible personal property for which the taxpayer has received a tax credit under this Paragraph. However, a taxpayer may receive a grant pursuant to R.S. 22:1483.1 in addition to the deduction provided for in this Paragraph.

* * *

Section 2. The provisions of this Act shall be applicable to taxable years beginning on or after January 1, 2023.

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.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 263

SENATE BILL NO. 186

BY SENATOR PEACOCK

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

AN ACT

To amend and reenact R.S. 37:3001 and to enact Part II of Chapter 39 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3021, relative to the practice of occupational therapy; to provide for certain qualifications of applicants who wish to practice occupational therapy; to provide for authority to enter into the Occupational Therapy Licensure Compact; to provide for enactment of the model language required to participate in the compact; to provide for definitions; to provide for eligibility, application, and renewal process; to provide for a coordinated information system; to provide for investigations and disciplinary actions; to provide for membership, powers, and duties of the Occupational Therapy Compact Commission; to provide for oversight, dispute resolution, and enforcement of the compact; to provide for a coordinated database; to provide for withdrawal from the compact; to provide for construction and severability; to designate Chapter 39 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3001 through 3015, "PART I. OCCUPATIONAL THERAPISTS"; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The provisions of Chapter 39 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3001 through 3015, are hereby designated "PART I. OCCUPATIONAL THERAPISTS".

Section 2. R.S. 37:3001 is hereby amended and reenacted and Part II of Chapter 39 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3021, is hereby enacted to read as follows:

§3001. Short title

This Chapter shall be known and may be cited as the Louisiana Occupational Therapy Practice Act of 1979.

* * *

PART II. OCCUPATIONAL THERAPY LICENSURE COMPACT

§3021. Occupational Therapy Licensure Compact; adoption

The Occupational Therapy Licensure Compact is hereby recognized and enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

SECTION 1. PURPOSE

The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

A. Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses.

B. Enhance the states' ability to protect the public's health and safety.

C. Encourage the cooperation of member states in regulating multi-state occupational therapy practice.

D. Support spouses of relocating military members.

E. Enhance the exchange of licensure, investigative, and disciplinary information between member states.

F. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

G. Facilitate the use of telehealth technology in order to increase access to occupational therapy services.

SECTION 2. DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

A. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C. Chapter 1211.

B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual's license or compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

C. "Alternative program" means a non-disciplinary monitoring process approved by an occupational therapy licensing board.

D. "Compact privilege" means the authorization, which is equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or practice as an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.

E. "Continuing competence/education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

F. “Current significant investigative information” means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

G. “Data system” means a repository of information about licensees, including but not limited to license status, investigative information, compact privileges, and adverse actions.

H. “Encumbered license” means a license in which an adverse action restricts the practice of occupational therapy by the licensee or said adverse action has been reported to the National Practitioner Data Bank (NPDB).

I. “Executive committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

J. “Home state” means the member state that is the licensee’s primary state of residence.

K. “Impaired practitioner” means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

L. “Investigative information” means information, records, and/or documents received or generated by an occupational therapy licensing board pursuant to an investigation.

M. “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of occupational therapy in a state.

N. “Licensee” means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant.

O. “Member state” means a state that has enacted the compact.

P. “Occupational therapist” means an individual who is licensed by a state to practice occupational therapy.

Q. “Occupational therapy assistant” means an individual who is licensed by a state to assist in the practice of occupational therapy.

R. “Occupational therapy”, “occupational therapy practice”, and the “practice of occupational therapy” mean the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state’s statutes and regulations.

S. “Occupational Therapy Compact Commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact.

T. “Occupational therapy licensing board” or “licensing board” means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants.

U. “Primary state of residence” means the state (also known as the home state) in which an occupational therapist or occupational therapy assistant who is not active duty military declares a primary residence for legal purposes as verified by: driver’s license, federal income tax return, lease, deed, mortgage or voter registration, or other verifying documentation as further defined by commission rules.

V. “Remote state” means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

W. “Rule” means a regulation promulgated by the commission that has the force of law.

X. “State” means any state, commonwealth, district, or territory of the United States of America that regulates the practice of occupational therapy.

Y. “Single-state license” means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a compact privilege in any other member state.

Z. “Telehealth” means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention and/or consultation.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the compact, a member state shall:

(1) License occupational therapists and occupational therapy assistants.

(2) Participate fully in the commission’s data system, including but not limited to using the commission’s unique identifier as defined in rules of the commission.

(3) Have a mechanism in place for receiving and investigating complaints about licensees.

(4) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.

(5) Implement or utilize procedures for considering the criminal history records of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state’s criminal records.

(a) A member state shall, within a time frame established by the commission, require a criminal background check for a licensee seeking/applying for a compact privilege whose primary state of residence is that member state, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.

(b) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the

compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

(c)(i) The Louisiana State Board of Medical Examiners shall be entitled to the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Department of Public Safety and Corrections, of any person who is required to be licensed as an occupational therapist in Louisiana or as part of the Occupation Therapy Licensure Compact. Fingerprints, biometrics, and other identifying information of the applicant shall be submitted to the Louisiana Bureau of Criminal Identification and Information. The Louisiana Bureau of Criminal Identification and Information shall, upon request of the Louisiana State Board of Medical Examiners and after receipt of a fingerprint card and other identifying information from the applicant, make available to the board all arrest and conviction information contained in the Louisiana Bureau of Criminal Identification and Information’s criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

(ii) In accordance with the authority provided for in this Chapter, the costs of providing the information required in accordance with this Section shall be charged by the Louisiana Bureau of Criminal Identification and Information, as specified in R.S. 15:587(B), to the Louisiana State Board of Medical Examiners for furnishing information contained in the Louisiana Bureau of Criminal Identification and Information’s criminal history records and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant. The board may impose any or all such fees or costs on the applicant.

(iii) For the purposes of Section 3(A)(5)(c), “criminal history record information” means all state records of arrest, prosecution, and conviction, including those which have been expunged or dismissed pursuant to Code of Criminal Procedure Article 893 or 894, and national records which shall include fingerprints of the applicant, biometrics, and other identifying information, if so requested by the licensing board.

(6) Comply with the rules of the commission.

(7) Utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission.

(8) Have continuing competence/education requirements as a condition for license renewal.

B. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

C. Member states may charge a fee for granting a compact privilege.

D. A member state shall provide for the state’s delegate to attend all occupational therapy compact commission meetings.

E. Individuals not residing in a member state shall continue to be able to apply for a member state’s single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the compact privilege in any other member state.

F. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) Hold a license in the home state.

(2) Have a valid United States Social Security number or National Practitioner Identification number.

(3) Have no encumbrance on any state license.

(4) Be eligible for a compact privilege in any member state in accordance with Section 4(D), (F), (G), and (H).

(5) Have paid all fines and completed all requirements resulting from any adverse action against any license or compact privilege, and two years have elapsed from the date of the completion.

(6) Notify the commission that the licensee is seeking the compact privilege within a remote state.

(7) Pay any applicable fees, including any state fee, for the compact privilege.

(8) Complete a criminal background check in accordance with Section 3(A)(5).

(a) The licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check.

(9) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege.

(10) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

B. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of Section 4(A) to maintain the compact privilege in the remote state.

C. A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

D. Occupational therapy assistants practicing in a remote state shall be supervised by an occupational therapist licensed or holding a compact privilege in that remote state.

E. A licensee providing occupational therapy in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due

process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

F. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

- (1) The home state license is no longer encumbered.
- (2) Two years have elapsed from the date on which the home state license is no longer encumbered in accordance with Section 4(F)(1).

G. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4(A) to obtain a compact privilege in any remote state.

H. If a licensee's compact privilege in any remote state is removed, the individual may lose the compact privilege in any other remote state until the following occur:

- (1) The specific period of time for which the compact privilege was removed has ended.
- (2) All fines have been paid and all conditions have been met.
- (3) Two years have elapsed from the date of completing requirements for 4(H)(1) and (2).
- (4) The compact privileges are reinstated by the commission, and the compact data system is updated to reflect reinstatement.

I. If a licensee's compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the compact data system.

J. Once the requirements of Section 4(H) have been met, the licensee must meet the requirements in Section 4(A) to obtain a compact privilege in a remote state.

**SECTION 5: OBTAINING A NEW HOME STATE LICENSE
BY VIRTUE OF COMPACT PRIVILEGE**

A. An occupational therapist or occupational therapy assistant may hold a home state license, which allows for compact privileges in member states, in only one member state at a time.

B. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two member states:

(1) The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission.

(2) Upon receipt of an application for obtaining a new home state license by virtue of compact privilege, the new home state shall verify that the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in Section 4 via the data system, without need for primary source verification except for:

- (a) An FBI fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Public Law 92-544.
- (b) Other criminal background check as required by the new home state.
- (c) Submission of any requisite jurisprudence requirements of the new home state.

(3) The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission.

(4) Notwithstanding any other provision of this compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in Section 4, the new home state shall apply its requirements for issuing a new single-state license.

(5) The occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state in order to be issued a new home state license.

C. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single-state license in the new state.

D. Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license.

E. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

**SECTION 6. ACTIVE DUTY MILITARY PERSONNEL
OR THEIR SPOUSES**

A. Active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process described in Section 5.

SECTION 7. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home state.

B. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

- (1) Take adverse action against an occupational therapist's or occupational therapy assistant's compact privilege within that member state.
- (2) Issue subpoenas for both hearings and investigations that require the

attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

C. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

D. The home state shall complete any pending investigations of an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigations. The home state, where the investigations were initiated, shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the Occupational Therapy Compact Commission data system. The Occupational Therapy Compact Commission data system administrator shall promptly notify the new home state of any adverse actions.

E. A member state, if otherwise permitted by state law, may recover from the affected occupational therapist or occupational therapy assistant the costs of investigations and disposition of cases resulting from any adverse action taken against that occupational therapist or occupational therapy assistant.

F. A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

G. Joint investigations

(1) In addition to the authority granted to a member state by its respective state occupational therapy laws and regulations or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

H. If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's compact privilege in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or occupational therapy assistant's license shall include a statement that the occupational therapist's or occupational therapy assistant's compact privilege is deactivated in all member states during the pendency of the order.

I. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

J. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

**SECTION 8. ESTABLISHMENT OF THE
OCCUPATIONAL THERAPY COMPACT COMMISSION**

A. The compact member states hereby create and establish a joint public agency known as the Occupational Therapy Compact Commission:

(1) The commission is an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting, and meetings

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be either:

(a) A current member of the licensing board, who is an occupational therapist, occupational therapy assistant, or public member.

(b) An administrator of the licensing board.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission within ninety days.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(6) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(7) The commission shall establish by rule a term of office for delegates.

C. The commission shall have the following powers and duties:

(1) Establish a code of ethics for the commission.

(2) Establish the fiscal year of the commission.

(3) Establish bylaws.

(4) Maintain its financial records in accordance with the bylaws.

(5) Meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

(7) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected.

(8) Purchase and maintain insurance and bonds.

(9) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.

(10) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest.

(12) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property, real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

(13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

(14) Establish a budget and make expenditures.

(15) Borrow money.

(16) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(17) Provide and receive information from, and cooperate with, law enforcement agencies.

(18) Establish and elect an executive committee.

(19) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of occupational therapy licensure and practice.

D. The executive committee

The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive committee shall be composed of nine members:

(a) Seven voting members who are elected by the commission from the current membership of the commission.

(b) One ex-officio, nonvoting member from a recognized national occupational therapy professional association.

(c) One ex-officio, nonvoting member from a recognized national occupational therapy certification organization.

(2) The ex-officio members will be selected by their respective organizations.

(3) The commission may remove any member of the executive committee as provided in bylaws.

(4) The executive committee shall meet at least annually.

(5) The executive committee shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

(b) Ensure compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Perform other duties as provided in rules or bylaws.

E. Meetings of the commission

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

(a) Noncompliance of a member state with its obligations under the compact.

(b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

(c) Current, threatened, or reasonably anticipated litigation.

(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(e) Accusing any person of a crime or formally censuring any person.

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(h) Disclosure of investigative records compiled for law enforcement purposes.

(i) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with

responsibility of investigation or determination of compliance issues pursuant to the compact.

(j) Matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

F. Financing of the commission

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

G. Qualified immunity, defense, and indemnification

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this Paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the gross negligence or intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's gross negligence or intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the gross negligence or intentional or willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. A member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable (utilizing a unique identifier) as required by the rules of the commission, including:

(1) Identifying information.

(2) Licensure data.

(3) Adverse actions against a license or compact privilege.

(4) Nonconfidential information related to alternative program participation.

(5) Any denial of application for licensure, and the reason for such denial.

(6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(7) Current significant investigative information.

C. Current significant investigative information and other investigative information pertaining to a licensee in any member state will only be available to other member states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10. RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect.

C. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

D. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

E. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform.

(2) On the website of each member state occupational therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

F. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.

(2) The text of the proposed rule or amendment and the reason for the proposed rule.

(3) A request for comments on the proposed rule from any interested person.

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons.

(2) A state or federal governmental subdivision or agency.

(3) An association or organization having at least twenty-five members.

I. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings will be recorded. A copy of the recording will be made available on request.

(4) Nothing in this Section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this Section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

L. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

M. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this Section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative rule that is

established by federal law or rule.

(4) Protect public health and safety.

N. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, technical assistance, and termination

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission.

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of the litigation, including reasonable attorney's fees.

C. Dispute resolution

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of the litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission

shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state’s withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state’s occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this Act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

B. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

C. Any laws in a member state in conflict with the compact are superseded to the extent of the conflict.

D. Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

E. All agreements between the commission and the member states are binding in accordance with their terms.

F. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 3. This Act shall become effective on January 1, 2024.
Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 264

HOUSE BILL NO. 8

BY REPRESENTATIVES HORTON, AMEDEE, BACALA, EMERSON, GAROFALO, AND MCFARLAND AND SENATORS ABRAHAM, BARROW, BERNARD, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, HENSGENS, HEWITT, JACKSON, LAMBERT, MCMATH, ROBERT MILLS, MORRIS, PEACOCK, REESE, SMITH, STINE, AND WOMACK

AN ACT

To amend and reenact R.S. 17:262(A)(2) and (B) and to enact R.S. 17:262(C), 3351(O), and 3996(B)(75), relative to public elementary, secondary, and postsecondary schools; to require display of the national motto in each classroom; to provide relative to the use of public funds for this purpose; to provide for applicability to charter schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:262(A)(2) and (B) are hereby amended and reenacted and R.S. 17:262(C), 3351(O), and 3996(B)(75) are hereby enacted to read as follows:
§262. Flag and patriotic customs of the United States; required instruction A.

(2) Not later than the 2019-2020 school year, the program of instruction on patriotic customs required by this Section shall include instruction on the national motto, “In God We Trust”, and each public school governing authority shall display the national motto in each building it uses and classroom in each school under its jurisdiction. The nature of the display shall be determined by each governing authority with a minimum requirement of a paper sign that the national motto shall be displayed on a poster or framed document that is at least eleven inches by fourteen inches. The motto shall be the central

* As it appears in the enrolled bill

focus of the poster or framed document and shall be printed in a large, easily readable font.

B. This Section does not require a public school governing authority to spend its funds to purchase national motto displays. A governing authority may spend its funds or donated funds to purchase the displays and may accept donated displays.

C. The State Board of Elementary and Secondary Education shall adopt rules and regulations in accordance with the Administrative Procedure Act to insure ensure the proper implementation of this Section.

§3351. General powers, duties, and functions of postsecondary education management boards

O.(1) Each board shall require each institution under its jurisdiction to display the national motto, “In God We Trust”, in each classroom on the institution’s campus. At a minimum, the national motto shall be displayed on a poster or framed document that is at least eleven inches by fourteen inches. The motto shall be the central focus of the poster or framed document and shall be printed in a large, easily readable font.

(2) This Subsection does not require a public postsecondary education management board or a public postsecondary education institution to spend its funds to purchase such displays. An institution or management board may spend its funds or donated funds to purchase such displays and may accept donated displays.

§3996. Charter schools; exemptions; requirements

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school’s officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

(75) Flag and patriotic customs of the United States, R.S. 17:262.

Section 2. The provisions of this Act shall be applicable on and after August 1, 2026.

Approved by the Governor, June 9, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 265

HOUSE BILL NO. 36
BY REPRESENTATIVE TRAVIS JOHNSON
AN ACT

To amend and reenact R.S. 3:341(D) and 342(I) and to enact R.S. 3:342(J), relative to the Delta Agriculture Research and Sustainability District; to provide for district boundaries; to provide for personal immunity of board members; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:341(D) and 342(I) are hereby amended and reenacted and R.S. 3:342(J) is hereby enacted to read as follows:

§341. Delta Agriculture Research and Sustainability District; creation; purpose; territorial jurisdiction

D. The boundaries of the district shall be coterminous with the boundaries of the parishes of Concordia, East Carroll, Madison, and Tensas.

§342. Board of commissioners; members; officers; personal immunity

I.(1) The board shall hire a district director to manage the day-to-day management operations of the district. The board shall establish the duties and responsibilities and the salary and benefits for the position of district director. The district director shall report directly to the board and, with approval of the board, may hire an administrative assistant.

(2) The district director, hired after July 1, 2023, must be a resident of the state and have been domiciled in the district for the preceding two years prior to employment. The provisions of this Paragraph shall not apply to the district director employed prior to July 1, 2023.

J. The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board’s responsibilities. The state shall hold the board, its members, and its agents harmless from all costs, damages, and attorney fees arising from claims and suits against them with respect to matters to which such immunity applies.

Approved by the Governor, June 9, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 266

HOUSE BILL NO. 69

BY REPRESENTATIVES MARINO, ADAMS, BISHOP, BOURRIAQUE, BOYD, BRASS, BROWN, BRYANT, BUTLER, CARPENTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, COX, CREWS, DESHOTEL, DUBUISSON, ECHOLS, EDMONDS, FISHER, FREEMAN, FREIBERG, GLOVER, GREEN, HARRIS, HILFERTY, HODGES, HORTON, ILLG, JEFFERSON, MIKE JOHNSON, TRAVIS JOHNSON, JORDAN, LACOMBE, LAFLEUR, LARVADAIN, LYONS, MCFARLAND, MCKNIGHT, MCMAHEN, MOORE, MUSCARELLO, NELSON, CHARLES OWEN, PHELPS, PIERRE, PRESSLY, RISER, SCHAMERHORN, SCHLEGEL, SELDERS, ST. BLANC, STAGNI, THOMPSON, VILLIO, WHEAT, WHITE, WILLARD, AND WRIGHT AND SENATORS FIELDS, JACKSON, MIZELL, AND TALBOT

AN ACT

To amend and reenact R.S. 17:7.2(A)(8)(a)(iii), 392.1(D), and 2112(Section heading), to enact Part VI-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:392.11 through 392.13, and 3996(B)(75), and to repeal R.S. 17:7(11), 392.1(B)(2)(a) and (3) and (F), 392.2, and 2112(A)(2) and (B), relative to the screening of students; to provide for screening with respect to dyslexia; to require the State Board of Elementary and Secondary Education to adopt related rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7.2(A)(8)(a)(iii), 392.1(D), and 2112(Section heading) are hereby amended and reenacted and Part VI-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:392.11 through 392.13, and 3996(B)(75) are hereby enacted to read as follows:

§7.2. Approved teacher education programs

A. In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:7(6), the State Board of Elementary and Secondary Education, subject to the constitutional power and authority of the Board of Regents, the Board of Supervisors for the University of Louisiana System, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and the Board of Supervisors of Southern University and Agricultural and Mechanical College, shall establish qualifications and requirements for the approval of teacher education programs from which graduates may be certified. The qualifications and requirements established by the State Board of Elementary and Secondary Education for an approved teacher education program shall include but not be limited to the following:

* * *

(8)(a) That the program include no less than three credit hours on teaching students with dyslexia within the existing credit hour requirements. The coursework shall include but need not be limited to the following:

* * *

(iii) An introduction to the process of becoming a dyslexia practitioner or dyslexia therapist, pursuant to ~~R.S. 17:392.2.~~ R.S. 17:392.12.

* * *

§392.1. Screening and intervention; purpose; applicability; city and parish school system; duties

* * *

D. Children in need of services ~~and/or~~ assistance shall have it provided to them. ~~Services for disorders shall be provided in accordance with R.S. 17:7(11).~~ Children who are referred for further evaluation shall be provided further evaluation in accordance with Chapter 8 of this Title. ~~Children who are in need of assistance shall have it provided to them in accordance with this Part.~~

* * *

PART VI-B. DYSLEXIA

§392.11. Dyslexia; screening and reporting

A. As used in this Part:

(1) “Dyslexia” means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, which affects the ability of an individual to speak, read, and spell.

(2) “Phonological processing” means the appreciation of the individual sounds of spoken and written language.

B.(1) The state Department of Education shall select a dyslexia screener with an area under the curve of 0.80 or above and provide the screener, at no cost, to each public school. The dyslexia screener shall be administered to each student by a classroom teacher in the second half of kindergarten or upon request of a teacher or a parent or legal guardian. This screener shall not be a progress monitoring tool but shall:

(a) Be developed solely for dyslexia.

(b) Be evidence-based with proven, published psychometric validity.

(c) Be used for the sole purpose of determining whether a student is at-risk for dyslexia.

(2) If the results of such screening indicate that a student is at risk for dyslexia, the parent or guardian shall be notified within thirty days of the results of the screening.

(3) The implementation of the provisions of this Subsection shall be subject to the appropriation of funds by the legislature for this purpose.

C.(1) Each public school governing authority shall submit a report to the

state Department of Education by December fifteenth annually relative to the occurrence of dyslexia. The report shall include numbers of students of all grade levels identified as dyslexic, either pursuant to the provisions of this Section or by any other means, and shall include, per grade, all of the following:

(a) For students identified as dyslexic through a Section 504 Plan:

(i) The number initially identified during the preceding school year.

(ii) The total number.

(b) For students with an Individualized Education Plan identified as having a specific learning disability, dyslexia:

(i) The number initially identified during the preceding school year.

(ii) The total number.

(2) The state Department of Education shall compile the reports received pursuant to Paragraph (1) of this Subsection and report such data to the House Committee on Education and the Senate Committee on Education no later than March first annually.

(3) Notwithstanding Paragraph (1) of this Subsection, if the number of students in a grade level identified as dyslexic is not zero and not more than ten, the report shall not indicate an exact number but shall indicate that there are fewer than eleven students in the grade identified as dyslexic.

§392.12. Dyslexia practitioner; dyslexia therapist; ancillary certificates

A. The State Board of Elementary and Secondary Education shall develop the criteria whereby a teacher may be issued a dyslexia practitioner ancillary certificate or a dyslexia therapist ancillary certificate.

B. In addition to any other criteria established by the board, in order to be issued an ancillary certificate pursuant to this Section, a teacher shall:

(1) Hold a valid Louisiana teaching certificate.

(2) Demonstrate completion of a multisensory structured language training program accredited by a nationally recognized accrediting organization, which shall include:

(a) For the dyslexia practitioner ancillary certificate, forty-five hours of coursework and sixty hours of clinical work that is observed and monitored by a qualified professional.

(b) For the dyslexia therapist ancillary certificate, two hundred hours of coursework and seven hundred hours of clinical work that is observed and monitored by a qualified professional.

(3) Pass a multisensory structured language education-related competency examination that is administered by a nationally recognized professional organization that issues national certifications.

§392.13. Administrative rules

The State Board of Elementary and Secondary Education shall promulgate rules to implement the provisions of this Part in accordance with the Administrative Procedure Act.

* * *

§2112. Testing pupils' sight and hearing; ~~testing for dyslexia~~; notice to parent or tutor; report to state superintendent

* * *

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(75) Dyslexia screening and reporting, R.S. 17:392.11.

* * *

Section 2. R.S. 17:7(11), 392.1(B)(2)(a) and (3) and (F), 392.2, and 2112(A)(2) and (B) are hereby repealed in their entirety.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 267

HOUSE BILL NO. 103

BY REPRESENTATIVES MUSCARELLO, ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BOURRIAQUE, BOYD, BRASS, BROWN, BRYANT, BUTLER, CARPENTER, CARRIER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, COX, CREWS, DESHOTEL, DEVILLIER, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FISHER, FONTENOT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAINES, GAROFALO, GLOVER, GOUDEAU, GREEN, HARRIS, HILFERTY, HODGES, HORTON, HUGHES, HUVAL, ILLG, IVEY, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JORDAN, KERNER, KNOX, LACOMBE, LAFLEUR, LARVADAIN, LYONS, MACK, MARCELLE, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, MINCEY, MOORE, NELSON, NEWELL, ORGERON, CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH,

SELDERS, ST. BLANC, STAGNI, TARVER, THOMAS, THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WILLARD, AND ZERINGUE AND SENATORS ABRAHAM, BARROW, BOUDREAUX, BOUIE, CARTER, CONNICK, DUPLESSIS, FIELDS, HARRIS, HENRY, HEWITT, JACKSON, KLEINPETER, LAMBERT, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, REESE, SMITH, STINE, TALBOT, AND WOMACK
AN ACT

To amend and reenact R.S. 17:183.3(B)(2)(b), 270(A) and (B), 5025(introductory paragraph) and (7) and 5026(A)(2), to enact R.S. 17:5025(8), 5025.6, and 5026(E), and to repeal R.S. 17:274.1(C)(2), relative to curricula; to add Financial Literacy as a required high school course; to remove requirements for instruction in personal financial management; to provide for alignment with the core curriculum required for qualification for TOPS awards; to provide for applicability; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:183.3(B)(2)(b), 270(A) and (B), and 5025(introductory paragraph) and (7) and 5026(A)(2) are hereby amended and reenacted and R.S. 17:5025(8), 5025.6, and 5026(E) are hereby enacted to read as follows:

§183.3. Career major; description; curriculum and graduation requirements

B.

(2) The course requirements for the career major shall consist of the following:

(b) At least four mathematics credits, including Algebra I, Algebra I Part One and Algebra I Part Two, or an applied or hybrid Algebra course; Geometry or an applied Geometry course; Financial Literacy as provided for in R.S. 17:270; and two one additional mathematics courses course from among the following: Math Essentials, Financial Literacy, Business Math, Algebra II, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-Calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits.

§270. Personal financial management; Financial Literacy; required instruction

A. The legislature recognizes that young people must obtain the skills, knowledge, and experience necessary to manage their personal finances and obtain general financial literacy. Education in personal financial management financial literacy helps prepare students for the workforce and for financial independence by developing a sense of individual responsibility and improving life skills, as well as a thorough understanding of consumer economics. Financial literacy education integrates instruction in valuable life skills with instruction in economics, including income and taxes, money management, investment and spending, and the importance of personal savings.

B.(1) Each public elementary or secondary school student shall receive age and grade appropriate instruction in personal financial management based on the concept of achieving financial literacy through the teaching of personal management skills and the basic principles involved with income, money management, spending and credit, and saving and investing. Such instruction may be integrated into an existing course of study.

(2) Each student who enters the ninth grade on or after July 1, 2019, shall receive such instruction shall successfully complete a one unit Financial Literacy course as a requirement for high school graduation.

(2) The topics covered by the course shall include but need not be limited to the following:

(a) Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.

(b) Balancing a checkbook.

(c) Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.

(d) Completing a loan application.

(e) Receiving an inheritance and related implications.

(f) Basic principles of personal insurance policies.

(g) Computing federal income taxes.

(h) Local tax assessments.

(i) Computing interest rates by various mechanisms.

(j) Simple contracts.

(k) Contesting an incorrect billing statement.

(l) Types of savings and investments.

(m) State and federal laws concerning finance.

(3) The State Board of Elementary and Secondary Education shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. Such rules and regulations shall require that the instruction include the following components:

(a) Income.

(b) Money management.

(c) Spending and credit.

(d) Saving and investing.

(e) The process and responsibilities, including repayment and default, of borrowing money to fund postsecondary education opportunities.

(4) The governing authority of each public elementary and secondary high school shall provide the required instruction in accordance with the rules and regulations adopted by the board.

* * *

§5025. High school core curriculum requirements; Opportunity, Performance, Honors Awards

To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who graduates during or after the 2026-2027 school year shall have successfully completed a core curriculum which consists of nineteen twenty units of high school course work as follows:

* * *

(7) Financial Literacy - one unit.

(8) For the purposes of this Section, any core curriculum course that is taken by a student who has been identified as gifted pursuant to State Board of Elementary and Secondary Education policy and that is taken in fulfillment of the student's Individualized Education Program shall be considered a gifted course and shall fulfill the core curriculum requirement in its given subject area.

* * *

§5025.6. High school core curriculum requirements; Opportunity, Performance, and Honors Awards; students graduating in the 2026-2027 school year

To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who graduated from high school during the 2026-2027 school year shall have successfully completed a core curriculum which consists of nineteen units of high school course work as follows:

(1) English - Four Units

(a) English I.

(b) English II.

(c) One unit chosen from the following: English III, AP English Language Arts and Composition, or English III IB (Language A or Literature and Performance).

(d) One unit chosen from the following: English IV, AP English Literature and Composition, or English IV IB (Language A or Literature and Performance).

(2) Mathematics - Four Units

(a) Algebra I (one unit), Geometry (one unit), and Algebra II (one unit). Integrated Mathematics I, Integrated Mathematics II, and Integrated Mathematics III may be substituted for the Algebra I, Geometry, and Algebra II sequence.

(b) One unit chosen from the following: Algebra III; Advanced Math Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL.

(3) Science - Four Units

(a) Biology I.

(b) Chemistry I.

(c) Two units chosen from the following: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II, AP Chemistry, or IB Chemistry II; AP Environmental Science, or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II, AP Biology, or IB Biology II.

(4) Social Studies - Four Units

(a) One unit chosen from the following: U.S. History, AP U.S. History, or IB U.S. History.

(b) One unit chosen from the following: Civics, Government, AP U.S. Government and Politics: Comparative, AP U.S. Government and Politics: United States.

(c) Two units chosen from the following: Western Civilization, European History, or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics; African American History.

(5) Foreign Language or Computer Science - Two Units

(a) Foreign Language - the two units shall be in the same language, which may include the following: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB.

(b) Computer Science - the two units shall be in principles, coding, and programming, which may include the following: Computer Science I, Computer Science II, Fundamentals of HTML, CSS, and JavaScript (Level 1), Advanced JavaScript, Functional Programming, and Web Development (Level 2), AP Computer Science A, AP Computer Science Principles, Computer Science Year One IB, and Computer Science Year Two IB.

(6) Art - one unit chosen from the following: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Art I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and Speech IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting.

(7) For the purposes of this Section, any core curriculum course that is

CODING: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.

taken by a student who has been identified as gifted pursuant to State Board of Elementary and Secondary Education policy and that is taken in fulfillment of the student's Individualized Education Program shall be considered a gifted course and shall fulfill the core curriculum requirement in its given subject area.

§5026. High school core curriculum requirements; TOPS-Tech
A. To be eligible for a TOPS-Tech Award pursuant to this Chapter, the student shall have successfully completed the core curriculum requirements of R.S. 17:5025 or the core curriculum defined as follows:

- (2) Math - Four Units
 - (a) ~~Algebra I, both Algebra I, Part 1 and Algebra I, Part 2, Algebra I, Algebra I Part One and Algebra I Part Two, or an applied or hybrid algebra course (one unit), and Geometry or an applied Geometry course (one unit).~~
 - (b) Financial Literacy (one unit).
 - (c) ~~Two One~~ or more units from the following: Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, ~~Pre-calculus~~ Pre-Calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits.

E. For a student graduating during the 2026-2027 school year to be eligible for a TOPS-Tech Award pursuant to this Chapter, the student shall have successfully completed the core curriculum requirements of R.S. 17:5025 or the core curriculum defined as follows:

- (1) English - Four Units
 - (a) English I.
 - (b) English II.
 - (c) Two or more units from the following: English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education.
- (2) Math - Four Units
 - (a) Algebra I; both Algebra I, Part 1 and Algebra I, Part 2, or an applied or hybrid algebra course (one unit) and Geometry or an applied Geometry course (one unit).
 - (b) Two or more units from the following: Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-Calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits.
- (3) Science - Two Units
 - (a) Biology.
 - (b) One unit from the following: Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses.
- (4) Social Studies - Two Units
 - (a) One unit from the following: U.S. History, AP U.S. History, or IB U.S. History.
 - (b) One unit from the following: Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States.
- (5) At least nine credits in Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

Section 2. R.S. 17:274.1(C)(2) is hereby repealed in its entirety.
Section 3. The provisions of R.S. 17:183.3(B)(2)(b) and 270(A) and (B) as amended by this Act shall apply to students who enter the ninth grade during the 2024-2025 school year and thereafter.
Section 4.(A) Section 2 of this Act shall become effective on July 1, 2024.
(B) Sections 1 and 3 and this Section of this Act shall become effective on August 1, 2023.
Approved by the Governor, June 9, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 268

HOUSE BILL NO. 242
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact R.S. 17:416.1(B) and to enact R.S. 17:416.22, relative to student discipline; to prohibit corporal punishment in elementary and

secondary schools unless authorized by a parent or legal guardian; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:416.1(B) is hereby amended and reenacted and R.S. 17:416.22 is hereby enacted to read as follows:
§416.1. Discipline of ~~pupils~~ students; additional disciplinary authority

~~B.(1)(a) The use of any form of corporal punishment is prohibited in any public school unless the student's parent or legal guardian provides written consent for the use of corporal punishment in a document created by the state Department of Education solely for such purpose. Such consent applies only to the school year in which it is given. No form of corporal punishment shall be administered to a student with an exceptionality as defined in R.S. 17:1942 or to a student who has been determined to be eligible for services under Section 504 of the Rehabilitation Act of 1973 and has an Individual Accommodation Plan. However, the parent or legal guardian of a student who is gifted and talented and has no other exceptionality may authorize the use of corporal punishment as otherwise provided by this Paragraph.~~

(2) Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.

~~(b)(3) Corporal punishment does not include:~~
~~(i)(a) The use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student.~~

~~(ii)(b) The use of seclusion and restraint as provided in R.S. 17:416.21.~~
~~(2) The governing authority of a public elementary or secondary school shall have discretion with respect to the use of corporal punishment; however, no form of corporal punishment shall be administered to a student with an exceptionality, excluding gifted and talented, as defined in R.S. 17:1942 or to a student who has been determined to be eligible for services under Section 504 of the Rehabilitation Act of 1973 and has an Individual Accommodation Plan. Each governing authority of a public elementary or secondary school shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools under its jurisdiction.~~

§416.22. Discipline of students; nonpublic schools; disciplinary authority
The use of any form of corporal punishment is prohibited in any nonpublic school that receives state funds except as authorized in R.S. 17:416.1(B).
Approved by the Governor, June 9, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 269

HOUSE BILL NO. 269
BY REPRESENTATIVE LANDRY
AN ACT

To amend and reenact R.S. 33:9091.25(B), (D)(1) and (2), and (F)(1), (2)(d), and (3)(b), relative to Orleans Parish; to provide relative to the Delachaise Security and Improvement District; to provide relative to the boundaries and governance of the district; to provide relative to the appointment of board members; to provide relative to district funding; to provide relative to the parcel fee imposed and collected in the district; to provide relative to the term of the fee; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:9091.25(B), (D)(1) and (2), and (F)(1), (2)(d), and (3)(b) are hereby amended and reenacted to read as follows:
§9091.25. Delachaise Security and Improvement District

B. Boundaries. The boundaries of the district shall be that area within and including the following perimeter: beginning at the intersection of Louisiana Ave. and Carondelet St. and proceeding along Carondelet St. ~~(both sides interior side)~~ to its intersection with Napoleon Ave., along Napoleon Ave. (interior side) to its intersection with Freret St., then along Freret St. (interior side) to its intersection with Louisiana Ave., and finally along Louisiana Ave. (interior side) back to its intersection with Carondelet St.

D. Governance. (1) The district shall be governed by a board of commissioners, referred to in this Section as the “board”, consisting of ~~seven~~ five members, all of whom shall be qualified voters and residents of the district, composed as follows:

(a) The ~~presidents~~ president of the Delachaise Neighborhood Association, referred to in this Section as the “DNA”, ~~and the Milan Neighborhood Association, referred to in this Section as the “MNA”.~~

(b) The governing board of the DNA shall appoint ~~two~~ three members who may be members of the governing board.

~~(c) The governing board of the MNA shall appoint two members who may be members of the governing board.~~

~~(d) (c)~~ The member of the governing authority of the city of New Orleans

who represents Council District B shall appoint one member.

(2)(a) The ~~members member~~ serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during ~~their~~ his term of office.

(b) The members appointed pursuant to ~~Subparagraphs (1)(b) and (c)~~ Subparagraph (1)(b) of this Subsection shall serve two-year terms after initial terms as provided in this Subparagraph. One member shall serve an initial term of one year and two members shall serve an initial term of two years, as determined by lot at the first meeting of the board.

(c) The member appointed pursuant to ~~Subparagraph (1)(d)~~ Subparagraph (1)(c) of this Subsection shall serve a term concurrent with the appointing authority.

* * *

F. Parcel fee. The governing authority of the city of New Orleans is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

(1) The amount of the fee shall be as requested by duly adopted resolution of the board. ~~The fee shall be a flat fee per parcel of land not to exceed three hundred dollars per year for each parcel. For each residential parcel which is unimproved or contains a single-family dwelling, the fee shall be a flat fee not to exceed three hundred fifty dollars. For each residential parcel which contains two to four dwelling units, the fee shall be a flat fee not to exceed four hundred dollars. For each residential parcel which contains five or more dwelling units, the fee shall be a flat fee not to exceed one thousand dollars. For each unimproved and improved parcel zoned for commercial use, the fee shall be a flat fee not to exceed five hundred dollars.~~

* * *

(d) ~~If~~ Notwithstanding the provisions of Paragraph (1) of this Subsection, if multiple adjacent parcels are combined for the purpose of housing a single-family dwelling, the flat fee for the combined parcel shall be calculated to be one and four tenths times the single parcel fee for two adjacent parcels and one and six tenths times the single parcel fee for three or more adjacent parcels.

(3)

* * *

(b)(i) ~~If approved, the fee shall expire at the time provided in the proposition authorizing the fee, not to exceed a duration of three years end of the term provided for in the proposition authorizing the fee, not to exceed five years, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed five years.~~

(ii) The amount of the fee may be changed by duly adopted resolution of the board, not to exceed the maximum amount authorized by this Subsection. No other election shall be required for such change in the amount of the fee.

* * *

Section 2. The terms of the members of the board of commissioners of the Delachaise Security and Improvement District in office on the effective date of this Act shall terminate on the effective date of this Act; however, such members shall remain in office until the board members appointed as provided in this Act take office. The members of the board of commissioners of the Delachaise Security and Improvement District shall be appointed and shall take office as provided in this Act and shall serve terms of office as provided in this Act.

Section 3. The provisions of this Act shall not affect the parcel fee levied within the Delachaise Security and Improvement District on the effective date of this Act. The governing authority of the city of New Orleans shall continue to levy the fee until such time as it expires, as provided in the proposition approved by a majority of the district’s registered voters voting on the proposition at an election held on November 8, 2022. After expiration of the fee, the governing authority of the city shall then begin to levy a parcel fee as provided in this Act if the parcel fee has been approved by the voters as provided in this Act.

Section 4. 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.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 270

HOUSE BILL NO. 272

BY REPRESENTATIVES WILLARD, AMEDEE, BEAULLIEU, BOYD,
BRYANT, CARPENTER, WILFORD CARTER, COX, DUBUISSON, FISHER,
HUGHES, JENKINS, JORDAN, KNOX, LANDRY, LARVADAIN, LYONS,
MARCELLE, MOORE, NEWELL, PIERRE, SELTERS, AND THOMPSON
AND SENATORS BARROW, BOUIE, CARTER, DUPLESSIS, FIELDS,
MIZELL, AND PRICE
AN ACT

To amend and reenact R.S. 22:1059.2 and to enact R.S. 22:1059.3, relative to maternity support services provided by doulas; to require health insurance coverage for such maternity support services; to provide for legislative findings; to provide for definitions; to provide for the redesignation of certain statutes; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:1059.2 is hereby amended and reenacted and R.S. 22:1059.3 is hereby enacted to read as follows:

§1059.2. Required coverage for maternity support services provided by doulas; legislative findings; definitions

A. The legislature hereby finds and affirms all of the following:
(1) A doula is an individual who has been trained to provide physical, emotional, and educational support, but not medical or midwifery care, to pregnant and birthing women and their families before, during, and after childbirth.

(2) Leading professional societies such as the American College of Obstetricians and Gynecologists and the Society for Maternal-Fetal Medicine, and federal agencies such as the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Centers for Medicare and Medicaid Services have recognized the well-established benefits of maternity support services provided by doulas.

(3) Research has demonstrated that support from a doula is associated with lower cesarean section rates, fewer obstetric interventions, fewer complications during and after childbirth, decreased use of pain medication, shorter labor hours, and higher scores on the Apgar test, which indicates how well a baby is doing outside the womb.

(4) As Louisiana currently ranks as a state with one of the highest maternal and infant mortality rates in the United States, this state has a compelling interest in and obligation to promote practices that improve maternal and infant health outcomes.

B.(1) A health coverage plan delivered or issued for delivery in this state that provides benefits for maternity services shall include coverage for maternity support services provided by a doula to pregnant and birthing women before, during, and after childbirth.

(2) The coverage required pursuant to this Section may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan. The coverage may also be subject to a limit per pregnancy not to exceed one thousand five hundred dollars.

(3)(a) The requirements established by a health coverage plan to insure the maternity support services provided by a doula before, during, and after childbirth shall not preclude a doula from practice in this state.

(b) A doula may opt to practice in this state and forego any eligible reimbursement via a health coverage plan; however, a doula opting for reimbursement via a health coverage plan shall apply to the Louisiana Doula Registry Board for registration and receive an approved registration status.

(c) In addition to the registration prescribed in Subparagraph (b) of this Paragraph, a health insurance issuer or health coverage plan may establish additional credentialing standards for contracting with doulas.

(4) Terminology in any health coverage plan policy or contract deemed discriminatory against doulas or maternity support services provided by doulas is void and unenforceable.

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

(1) “Doula” means the same as the term is defined in R.S. 22:1059.1.

(2) “Health coverage plan” means the same as the term is defined in R.S. 22:1059.

(3) “Maternity support services” means the physical, emotional, and educational support services provided by a doula to pregnant and birthing women before, during, and after childbirth. “Maternity support services” includes postpartum bereavement support.

§1059.3. Required coverage for prescribed donor human milk
A health coverage plan issued for delivery, delivered, renewed, or otherwise contracted for in this state shall provide inpatient and outpatient coverage benefits for up to two months for medically necessary pasteurized donor human milk upon prescription of an infant’s pediatrician or licensed pediatric provider stating that the infant is medically or physically unable to receive maternal human milk or participate in breastfeeding, or the infant’s mother is medically or physically unable to produce maternal human milk in sufficient quantities. A health coverage plan may limit coverage under this Section to inpatient and outpatient donor human milk obtained from a member bank of the Human Milk Banking Association of North America.

Section 2. The provisions of this Act apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2024. Any policy, contract, or health coverage plan in effect prior to January 1, 2024, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2025.

Approved by the Governor, June 9, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 271

HOUSE BILL NO. 298

BY REPRESENTATIVES HUGHES, BOYD, JEFFERSON, TRAVIS
JOHNSON, KNOX, NELSON, AND FREEMAN
AN ACT

To amend and reenact Children's Code Articles 1004(A), 1004.1, 1015, 1015.1, 1016(A), 1037(B), and 1039(B) and Civil Code Article 137(A), to enact Children's Code Articles 1004.2 and 1015.2, and to repeal Children's Code Article 1004(I), relative to the termination of parental rights; to provide for the authorization to file a petition for termination; to provide that the conviction and commission of a sex offense leading to the conception of the child is grounds for termination of parental rights; to provide for the petitioner's right to counsel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1004(A), 1004.1, 1015, 1015.1, 1016(A), 1037(B), and 1039(B) are hereby amended and reenacted and Children's Code Articles 1004.2 and 1015.2 are hereby enacted to read as follows:

Art. 1004. Petition for termination of parental rights; authorization to file
A. At any time, including in any hearing in a child in need of care proceeding, the court on its own motion may order the filing of a petition on any ground authorized by Article 1015 or 1015.1.

* * *

Art. 1004.1. Petition for termination of parental rights; child conceived as a result of a sex offense

At any time, including prior to or during an adoption proceeding, when a child is conceived as the result of the conviction or commission of a sex offense as defined in R.S. 15:541, the victim of the sex offense may petition to terminate the rights of the perpetrator of the sex offense. Termination shall result in the loss of all parental rights of the perpetrator regarding the child, including any rights to custody, visitation, and contact, as well as any right to intervene in such action. The termination shall not affect the inheritance rights of the child. The perpetrator shall be cast in judgment for all court costs.

~~Art. 1004.1.~~ 1004.2. Termination of rights; children in state custody
The department shall file and pursue to judgment in the trial court a petition to terminate the parental rights of the parent or parents if the child has been in state custody for seventeen of the last twenty-two months, unless the department has documented in the case plan a compelling reason why filing is not in the best interest of the child.

* * *

Art. 1015. Grounds; termination of parental rights
The grounds for termination of parental rights are:
(1) Conviction of murder of the child's other parent.
(2) Unjustified intentional killing of the child's other parent.
~~(3) Conviction of a sex offense as defined in R.S. 15:541 by the natural parent which resulted in the conception of the child.~~

~~(4)(3)~~ Misconduct of the parent toward this child or any other child of the parent or any other child which constitutes extreme abuse, cruel and inhuman treatment, or grossly negligent behavior below a reasonable standard of human decency, including but not limited to the conviction, commission, aiding or abetting, attempting, conspiring, or soliciting to commit any of the following:

- (a) Murder.
- (b) Unjustified intentional killing.
- (c) Aggravated crime against nature as defined by R.S. 14:89.1(A)(2).
- (d) Rape.
- (e) Sodomy.
- (f) Torture.
- (g) Starvation.
- (h) A felony that has resulted in serious bodily injury.
- (i) Abuse or neglect which is chronic, life-threatening, or results in gravely disabling physical or psychological injury or disfigurement.
- (j) Abuse or neglect after the child is returned to the parent's care and custody while under department supervision, when the child had previously been removed for his safety from the parent pursuant to a disposition judgment in a child in need of care proceeding.

(k) The parent's parental rights to one or more of the child's siblings have been terminated due to neglect or abuse, prior attempts to rehabilitate the parent have been unsuccessful, and the court has determined pursuant to Article 672.1, that current attempts to reunite the family are not required.

(l) Sexual exploitation or abuse, which shall include, but is not limited to acts which are prohibited by R.S. 14:43.1, 43.2, 46.3, 80, 81, 81.1, 81.2, 82.1(A)(2), 89, and 89.1.

(m) Human trafficking when sentenced pursuant to the provisions of R.S. 14:46.2(B)(2) or (3).

~~(5)(4)~~ Abandonment of the child by placing him in the physical custody of a nonparent, or the department, or by otherwise leaving him under circumstances demonstrating an intention to permanently avoid parental responsibility by any of the following:

(a) For a period of at least four months as of the time of the hearing, despite a diligent search, the whereabouts of the child's parent continue to be unknown.

(b) As of the time the petition is filed, the parent has failed to provide significant contributions to the child's care and support for any period of six consecutive months.

(c) As of the time the petition is filed, the parent has failed to maintain significant contact with the child by visiting him or communicating with him for any period of six consecutive months.

~~(6)(5)~~ Unless sooner permitted by the court, at least one year has elapsed since a child was removed from the parent's custody pursuant to a court order; there has been no substantial parental compliance with a case plan for services which has been previously filed by the department and approved by the court as necessary for the safe return of the child; and despite earlier intervention, there is no reasonable expectation of significant improvement in the parent's condition or conduct in the near future, considering the child's age and his need for a safe, stable, and permanent home.

~~(7)(6)~~ The child is in the custody of the department pursuant to a court order or placement by the parent; the parent has been convicted and sentenced to a period of incarceration of such duration that the parent will not be able to care for the child for an extended period of time, considering the child's age and his need for a safe, stable, and permanent home; and despite notice by the department, the parent has refused or failed to provide a reasonable plan for the appropriate care of the child other than foster care.

~~(8)(7)~~ The relinquishment of an infant pursuant to Chapter 13 of Title XI of this Code.

~~(9) The commission of a sex offense as defined in R.S. 15:541 by the natural parent which resulted in the conception of the child.~~

~~(10)(8)~~ The child is in the custody of the department pursuant to a court order for at least one year, unless sooner permitted by the court, and the identity of the child's father remains unknown and all the following have occurred:

(a) In the course of investigating the case and providing services to the family the department has been unable to learn the identity of the father.

(b) No party to the proceedings or the mother, if not a party, is able to provide a first and last name of a putative father or alias sufficient to provide a reasonable possibility of identification and location.

(c) The department has obtained all of the following:

(i) A certified copy of the child's birth certificate with no one indicated thereon as the father of the child, or the father listed has been determined not to be the biological father of the child.

(ii) A recent certificate from the putative father registry indicating that no person is listed or registered as the child's father.

(iii) A recent certificate from the clerk of court in the parish in which the child was born indicating that no acknowledgment with respect to this child has been recorded.

Art. 1015.1. Grounds; termination of parental rights of perpetrator of a sex offense

Parental rights of a natural parent may be terminated in cases where there is a conviction or commission of a sex offense as defined in R.S. 15:541 by that natural parent which resulted in the conception of the child.

~~Art. 1015.1.~~ 1015.2. Termination of parental rights, certain grounds; costs and fees

A. A petitioner shall not be required to prepay nor be cast with court costs or costs of service or subpoena for the filing of the petition pursuant to Article ~~1015(3) or (9)~~ 1015.1. The clerk of court shall immediately file and process the petition, regardless of the ability of the petitioner to pay court costs.

B. All court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeals, evaluation fees, and expert witness fees incurred in filing, maintaining, or defending any proceeding under Article ~~1015(3) or (9)~~ 1015.1 shall be paid by the perpetrator of the sex offense, including all costs of medical and psychological care for the sexually abused adult, or for the child conceived as a result of the sex offense.

Art. 1016. Right to counsel
A.(1) The child and the identified parent shall each have the right to be represented by separate counsel in a termination proceeding brought in accordance with this Title. Neither the child nor anyone purporting to act on behalf of the child may be permitted to waive the child's right to counsel.

(2) For actions brought under Article 1015.1, the court shall have discretion to decide under the circumstances for each case whether to appoint counsel for the child. In no event shall the petitioner of such action or the minor child be required to interact with the respondent as a condition to pursue termination under this Article. Any counsel acting on behalf of the child shall not require a petitioner to make the child available for any visitation or conversation with the respondent or the respondent's family and shall not require any nonoffending petitioner to take classes or provide updates on the child. A petitioner shall have the right to seek an expedited suspensive appeal for any violation of this Article.

* * *

Art. 1037. Findings and contents of termination judgment; form

* * *

B.(1) When the court finds that the alleged grounds set out in any Paragraph of Article 1015 or 1015.1 are proven by the evidentiary standards required by Article 1035 and that it is in the best interests of the child, it shall order the termination of the parental rights of the parent against whom the allegations are proven. The court shall enter written findings on both issues. The consideration of best interests of the child shall include consideration of the child's attachment to his current caretakers.

(2) When the grounds for termination set forth in Article 1015.1 have been established, it shall be considered in the best interests of the child for the parental rights of the perpetrator to be terminated.

* * *

Art. 1039. Other dispositions

* * *

B.(1) If the court finds that the alleged grounds are not proven in accordance

with the evidentiary standards set forth in Article 1035 or if the court finds that termination of parental rights is not in the best interests of the child, it shall enter written findings on both issues and may:

- ~~(1)(a)~~ Dismiss the petition.
- ~~(2)(b)~~ Reinstate the parent to full care and custody of the child.
- ~~(3)(c)~~ If the child has been previously adjudicated as a child in need of care, reinstate that proceeding pursuant to Title VI.
- ~~(4)(d)~~ Upon a showing of sufficient facts, adjudicate the child in need of care in accordance with Title VI.
- ~~(5)(e)~~ Upon a showing of sufficient facts, adjudicate the family in need of services in accordance with Title VII.
- ~~(6)(f)~~ Make any other disposition that is in the best interest of the child.

(2) In actions based on Article 1015.1, if the court finds the alleged grounds are not proven, then any determination of custody, visitation, contact, and all other parental rights of the alleged perpetrator shall be determined in a separate action independent of the termination proceeding.

* * *

Section 2. Civil Code Article 137(A) is hereby amended and reenacted to read as follows:

Art. 137. Denial of visitation; ~~felony-rape sex offense~~; death of a parent
A. In a proceeding in which visitation of a child is being sought by a parent, if the child was conceived through the commission of a ~~felony-rape sex offense as provided by R.S. 15:541~~, the parent who committed the ~~felony-rape sex offense~~ shall be denied visitation rights and contact with the child.

* * *

Section 3. Children’s Code Article 1004(I) is hereby repealed in its entirety.
Section 4. 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.

Approved by the Governor, June 9, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 272

HOUSE BILL NO. 305
BY REPRESENTATIVE BROWN
AN ACT

To amend and reenact Code of Civil Procedure Article 253(C) and 1911(A), relative to the signing of certain orders and documents by the court; to provide relative to the use of electronic signatures by judges; to provide relative to certain requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 253(C) and 1911(A) are hereby amended and reenacted to read as follows:

Art. 253. Pleadings, documents, and exhibits to be filed with clerk

* * *

C. A judge or justice presiding over a court in this state may sign a court order, notice, official court document, and other writings required to be executed in connection with court proceedings, by use of an electronic signature as defined by R.S. 9:2602. ~~The various courts shall provide by court rule for the method of electronic signature to be used and to ensure the authenticity of the electronic signature.~~

* * *

Art. 1911. Final judgment; partial final judgment; signing; appeals
A. Except as otherwise provided by law, every final judgment shall contain the typewritten or printed name of the judge and be signed by the judge. Any judgment that does not contain the typewritten or printed name of the judge shall not be invalidated for that reason. Judgments may be signed by the judge by use of electronic signature. ~~The various courts shall provide by court rule for the method of electronic signature to be used and to ensure the authenticity of the electronic signature.~~

Approved by the Governor, June 9, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 273

HOUSE BILL NO. 332
BY REPRESENTATIVE ROBBY CARTER
AN ACT

To amend and reenact Sections 1 and 3 of Act No. 190 of the 2022 Regular Session of the Legislature, relative to the transfer of certain state property in Tangipahoa Parish; to authorize the transfer of certain state property in Tangipahoa Parish; to provide for the property description; to provide for terms and conditions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Sections 1 and 3 of Act No. 190 of the 2022 Regular Session of the

Legislature are hereby amended and reenacted to read as follows:

Section 1. The commissioner of administration and the secretary of the Department of Children and Family Services, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have in and to all or any portion of the following described property, including any improvements thereon, in Tangipahoa Parish to the Town of Amite City:

A certain piece and parcel of ground in the Town of Amite, Parish of Tangipahoa, State of Louisiana, fronting One hundred (100) feet on Oak Street and running back between parallel lines One hundred and fifty (150) feet on Bay Street and being the East One-half of lots 12, 13 and 16 of Square 26 according to plat made by J. H. Alford and being a portion of the same property acquired by vendor from the Heirs of N. N. Saal by act of sale recorded in COB 83 Page 302 of the Conveyance Records of Tangipahoa Parish.

That certain parcel of ground described as fronting 50 feet on the North line of Oak Street, by a depth of 150 feet between parallel lines, more fully described as beginning at a point on the North line of Oak Street, 250 East of the Southwest corner of Square 26, Town of Amite, Parish of Tangipahoa, State of Louisiana, which point is also the Southeast corner of the legacy to Mrs. Dorothy Thompson; thence North 150 feet; thence East 50 feet; thence South 150 feet; thence West 50 feet to point of beginning; said Lot bounded North by Schilling, South by Oak Street, East by Tangipahoa Parish Welfare Department and West by Mrs. Dorothy Thompson.

* * *

Section 3. If an agreement authorized by this Act is not entered into by December 31, ~~2023~~ 2025, the commissioner of administration and the secretary of the Department of Children and Family Services are authorized to proceed with a sale of the property described in this Act in accordance with the procedures set forth in Title 41 of the Louisiana Revised Statutes of 1950.

* * *

Section 2. 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.

Approved by the Governor, June 9, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 274

HOUSE BILL NO. 355
BY REPRESENTATIVE DEVILLIER
AN ACT

To enact R.S. 47:338.225, relative to the city of Eunice; to authorize the governing authority of the city, subject to voter approval, to levy and collect a hotel occupancy tax; to provide for the use of the tax proceeds; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:338.225 is hereby enacted to read as follows:

§338.225. City of Eunice; hotel occupancy tax; authorization

A.(1) In addition to any other tax levied and collected, the governing authority of the city of Eunice may levy and collect a tax upon the paid occupancy of hotel rooms located within the city. The hotel occupancy tax shall not exceed two percent of the rent or fee charged for such occupancy.

(2) The word “hotel” as used in this Section shall mean and include any establishment, public or private, engaged in the business of furnishing or providing rooms or overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home, sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

(3) The person who exercises or is entitled to occupancy of the hotel room shall pay the hotel occupancy tax at the time the rent or fee for occupancy is paid. “Person” as used in this Paragraph shall have the same definition as that contained in R.S. 47:301(8).

B. The governing authority shall impose the tax by ordinance. However, the ordinance imposing the tax shall be adopted by the governing authority only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the city voting at an election held for that purpose in accordance with the Louisiana Election Code. The governing authority may provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract with any public entity authorized to collect sales or use taxes, under terms and conditions it considers appropriate, including payment of a reasonable collection fee for the collection of the hotel occupancy tax authorized by this Section. The hotel occupancy tax shall be in addition to all taxes levied upon the occupancy of hotel rooms located within the city.

D. Except as provided in Subsection C of this Section, the governing authority of the city shall use the proceeds of the tax to promote tourism within the city.

Section 2. This Act shall become effective on July 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2023, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 275

HOUSE BILL NO. 358
BY REPRESENTATIVE LACOMBE
AN ACT

To enact R.S. 33:3812(J) and 3813(C)(8), relative to Waterworks District No. 1 of Pointe Coupee Parish; to provide relative to the membership of the district's governing board; to provide relative to the appointment of board members; to provide for terms; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:3812(J) and 3813(C)(8) are hereby enacted to read as follows:

§3812. Waterworks commissioners; qualifications

J. Notwithstanding the provisions of Subsection A of this Section, the membership of the governing board of Waterworks District No. 1 of Pointe Coupee Parish shall be as provided by R.S. 33:3813(C)(8).

§3813. Appointments of waterworks commissioners; terms; vacancies

C.

(8) Notwithstanding any other provision of law to the contrary, the governing authority of the parish of Pointe Coupee may provide, by ordinance, for the membership of the governing board of Waterworks District No. 1 of Pointe Coupee Parish. Any such ordinance shall provide that the members of the governing board shall be appointed by the parish governing authority. Members of the governing board shall serve at the pleasure of the parish governing authority.

Section 2. 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.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 276

HOUSE BILL NO. 444
BY REPRESENTATIVES FREIBERG, ADAMS, BRYANT, ROBBY CARTER, WILFORD CARTER, COX, FISHER, GLOVER, HUGHES, JEFFERSON, JENKINS, TRAVIS JOHNSON, KNOX, LAFLEUR, LARVADAIN, LYONS, DUSTIN MILLER, MOORE, NEWELL, PIERRE, SELTERS, THOMPSON, AND WILLARD
AN ACT

To amend and reenact R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi), and (d)(vi), (D)(1)(e)(introductory paragraph), (E)(1)(e)(introductory paragraph), (F)(1)(e)(introductory paragraph), (G)(1)(e)(introductory paragraph), and (J)(1)(e)(introductory paragraph), and R.S. 15:574.4.2(E) and to enact R.S. 15:574.4(D)(1)(e)(iv), (E)(1)(e)(iv), (F)(1)(e)(iv), (G)(1)(e)(iv), and (J)(1)(e)(iv), relative to parole eligibility for certain offenders; to provide relative to the conditions for parole eligibility; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi), and (d)(vi), (D)(1)(e)(introductory paragraph), (E)(1)(e)(introductory paragraph), (F)(1)(e)(introductory paragraph), (G)(1)(e)(introductory paragraph), and (J)(1)(e)(introductory paragraph), and R.S. 15:574.4.2(E) are hereby amended and reenacted and R.S. 15:574.4(D)(1)(e)(iv), (E)(1)(e)(iv), (F)(1)(e)(iv), (G)(1)(e)(iv), and (J)(1)(e)(iv) are hereby enacted to read as follows:

§574.2. Committee on parole, Board of Pardons; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions

C.

(2) Except in cases where the offender is released pursuant to Paragraph (4) of this Subsection, the committee may grant parole with two votes of a three-member panel, or, if the number exceeds a three-member panel, a majority vote of those present if all of the following conditions are met:

(e) The offender has obtained or completed a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender must complete at least one of the following:

- (i) ~~a~~ A literacy program,
- (ii) ~~an~~ An adult basic education program,
- (iii) ~~or a~~ A job skills training program.
- (iv) A high school equivalency certificate.

§574.4. Parole; eligibility; juvenile offenders

A.

(4) Notwithstanding any other provision of law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole who has served at least ten years of the term or terms of imprisonment in actual custody shall be eligible for parole consideration upon reaching the age of sixty years if all of the following conditions have been met:

(e) The offender has obtained ~~a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential,~~ the offender shall complete or completed at least one of the following:

- (i) ~~a~~ A literacy program,
- (ii) ~~an~~ An adult basic education program,
- (iii) ~~or a~~ A job-skills training program.
- (iv) A high school equivalency certificate.

B.

(2) Notwithstanding any provision of law to the contrary, any person serving a life sentence, with or without the benefit of parole, who has not been convicted of a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S. 15:541, or an offense, regardless of the date of conviction, which would constitute a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541, shall be eligible for parole consideration as follows:

(a) If the person was at least eighteen years of age and under the age of twenty-five years at the time he was sentenced to life imprisonment, he shall be eligible for parole consideration if all of the following conditions have been met:

(vi) The person has obtained ~~a GED credential, unless the prisoner has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential,~~ the person shall complete or completed at least one of the following:

- (aa) ~~a~~ A literacy program,
- (bb) ~~an~~ An adult basic education program,
- (cc) ~~or a~~ A job-skills training program.
- (dd) A high school equivalency certificate.

(b) If the person was at least twenty-five years of age and under the age of thirty-five years at the time he was sentenced to life imprisonment, he shall be eligible for parole consideration if all of the following conditions have been met:

(vi) The person has obtained ~~a GED credential, unless the prisoner has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential,~~ the person shall complete or completed at least one of the following:

- (aa) ~~a~~ A literacy program,
- (bb) ~~an~~ An adult basic education program,
- (cc) ~~or a~~ A job-skills training program.
- (dd) A high school equivalency certificate.

(c) If the person was at least thirty-five years of age and under the age of fifty years at the time he was sentenced to life imprisonment, he shall be eligible for parole consideration if all of the following conditions have been met:

(vi) The person has obtained ~~a GED credential, unless the prisoner has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential,~~ the person shall complete

or completed at least one of the following:

- ~~(aa) a A literacy program;~~
- ~~(bb) an An adult basic education program;~~
- ~~(cc) or a A job-skills training program.~~
- ~~(dd) A high school equivalency certificate.~~

(d) If the person was at least fifty years of age at the time he was sentenced to life imprisonment, he shall be eligible for parole consideration if all of the following conditions have been met:

* * *

(vi) The person has obtained or completed ~~a GED credential, unless the prisoner has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential, the person shall complete~~ at least one of the following:

- ~~(aa) a A literacy program;~~
- ~~(bb) an An adult basic education program;~~
- ~~(cc) or a A job skills training program.~~
- ~~(dd) A high school equivalency certificate.~~

* * *

D.(1) Notwithstanding any provision of law to the contrary, any person serving a sentence of life imprisonment who was under the age of eighteen years at the time of the commission of the offense, except for a person serving a life sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions have been met:

* * *

(e) The offender has obtained ~~a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete~~ or completed at least one of the following:

* * *

(iv) A high school equivalency certificate.

* * *

E.(1) Notwithstanding any provision of law to the contrary and except as provided in Subsection G of this Section, any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) who was under the age of eighteen years at the time of the commission of the offense and whose indictment for the offense is on or after August 1, 2017, shall be eligible for parole consideration pursuant to the provisions of this Subsection if a judicial determination has been made that the person is entitled to parole eligibility pursuant to Code of Criminal Procedure Article 878.1(A) and all of the following conditions have been met:

* * *

(e) The offender has obtained ~~a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete~~ or completed at least one of the following:

* * *

(iv) A high school equivalency certificate.

* * *

F.(1) Notwithstanding any provision of law to the contrary and except as provided in Subsection G of this Section, any person serving a sentence of life imprisonment for a conviction of second degree murder (R.S. 14:30.1) who was under the age of eighteen years at the time of the commission of the offense and whose indictment for the offense is on or after August 1, 2017, shall be eligible for parole consideration if all of the following conditions have been met:

* * *

(e) The offender has obtained ~~a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete~~ or completed at least one of the following:

* * *

(iv) A high school equivalency certificate.

* * *

G.(1) Notwithstanding any provision of law to the contrary, any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen years at the time of the commission of the offense and whose indictment for the offense was prior to August 1, 2017, shall be eligible for parole consideration pursuant to the provisions of this Subsection if a judicial determination has been made that the person is entitled to parole eligibility pursuant to Code of Criminal Procedure Article 878.1(B) and all of the following conditions have been met:

* * *

(e) The offender has obtained ~~a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a~~

~~learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete~~ or completed at least one of the following:

* * *

(iv) A high school equivalency certificate.

* * *

J.(1) Notwithstanding any provision of law to the contrary, and except as provided in Subsections D, E, F, G, and H of this Section, any person serving a term or terms of imprisonment that result in a period of incarceration of twenty-five years or more and who was under the age of eighteen years at the time of the commission of the offense shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions have been met:

* * *

(e) The offender has obtained ~~a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete~~ or completed at least one of the following:

* * *

(iv) A high school equivalency certificate.

* * *

§574.4.2. Decisions of committee on parole; nature, order, and conditions of parole; rules of conduct; infectious disease testing

* * *

E.(1) Before the committee on parole places a person on parole, the committee shall determine if he has a high school diploma or its equivalent and, if he does not, the committee shall condition parole upon the parolee's enrolling in or completion of and attending an adult education or reading program until he obtains a GED credential, or until he completes such educational programs required by the committee, and has attained a sixth grade reading level, or until his term of parole expires, whichever occurs first. All costs shall be paid by the parolee. If the committee finds that there are no adult education or reading programs in the parish in which the parolee is domiciled, the parolee is unable to afford such a program, or attendance would create an undue hardship on the parolee, the committee may suspend this condition of parole: one of the following:

- ~~(a) A literacy program.~~
- ~~(b) An adult basic education program.~~
- ~~(c) A job skills training program.~~
- ~~(d) A high school equivalency certificate.~~

(2) The provisions of this Subsection shall not apply to those parolees who have already obtained a high school equivalency certificate or high school diploma or who are mentally, physically, or by reason of age, infirmity, dyslexia, or other such learning disorders, unable to participate.

* * *

Section 2. 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.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 277

HOUSE BILL NO. 449
BY REPRESENTATIVES WILLARD, BOYD, BRYANT, CARPENTER,
ROBBY CARTER, WILFORD CARTER, COX, FISHER, FREEMAN,
GLOVER, HUGHES, JEFFERSON, JENKINS, KNOX, LAFLEUR,
LANDRY, LARVADAIN, LYONS, MARCELLE, MOORE, NEWELL,
PHELPS, AND PIERRE
AN ACT
To amend and reenact R.S. 18:431(A)(1)(b) and 431.1(C)(introductory paragraph) and to enact R.S. 18:431.1(C)(7), 523, and 523.1 and R.S. 36:744(C)(5), relative to the rights of voters with disabilities; to provide for instructions provided to election commissioners relative to the rights of persons with disabilities; to provide for the examinations taken by commissioners; to provide for an Americans with Disabilities Act compliance officer within the Department of State; to provide for compensation; to provide for duties and responsibilities of the officer; to create the Voting Accessibility Advisory Group; to provide for membership; to provide for duties; to provide an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 18:431(A)(1)(b) and 431.1(C)(introductory paragraph) are hereby amended and reenacted and R.S. 18:431.1(C)(7), 523, and 523.1 are hereby enacted to read as follows:
§431. Commissioners; courses of instruction; certificates; reports; list of certified persons furnished by parish board of election supervisors
A.(1)

* * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

academic years or until the receipt of a degree at the baccalaureate level, whichever occurs first. However, any student receiving a scholarship under the provisions of this Chapter who is mobilized or called to active duty is entitled to an extension of the time the scholarship may be claimed equal to the amount of academic time impacted by the time served on active duty.

§4102. Administration; scholarship amount; funding

A. The administering agency for the scholarship program shall be the Board of Regents. The Louisiana National Guard shall assist the Board of Regents in the administration of the program.

B.(1) Upon notice from the public postsecondary education institution and the Louisiana National Guard that the student qualifies for the scholarship for the ensuing academic period, the administering agency shall make payment of the scholarship funds, on behalf of the student, directly to the institution at which such mandatory fees are due. The amount of the scholarship for each eligible student shall be equal to the amount of mandatory fees charged to the student by the institution.

(2) The payment of scholarships as provided in this Subsection shall be subject to the appropriation of funds for this purpose.

§4103. Rules

The administering agency shall adopt rules in accordance with the Administrative Procedure Act for the implementation of the provisions of this Chapter. When developing the rules, the administering agency shall consult with the Louisiana National Guard.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 280

HOUSE BILL NO. 497
BY REPRESENTATIVE STEFANSKI
AN ACT

To amend and reenact R.S. 37:2805(C) and to enact R.S. 37:2802(A)(4), relative to the Louisiana Board of Chiropractic Examiners; to provide for the term of a member; to provide a time period for notice of acceptance or rejection of an application for licensure; to provide for acceptable methods of notice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2805(C) is hereby amended and reenacted and R.S. 37:2802(A)(4) is hereby enacted to read as follows:

§2802. Board of chiropractic examiners

A.

* * *

(4) The term of each board member shall be four years from the date of his appointment.

* * *

§2805. Requirement for license; penalty; qualifications; examinations; issuance of license

* * *

C. After investigation of the application and other evidence submitted, ~~and not less than thirty days prior to the examination,~~ the board shall notify each applicant within ten business days of a determination that the application and evidence submitted for consideration are satisfactory and accepted, or unsatisfactory and rejected. Notice may be sent by United States Postal Service, commercial carrier, electronic mail, or facsimile. If an application is rejected, the notice shall state the reasons for such rejection.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 281

HOUSE BILL NO. 578
BY REPRESENTATIVE GLOVER
AN ACT

To enact R.S. 22:1041.1 and R.S. 40:1295, relative to a smoking cessation benefits program; to establish and promote a program to assist with smoking cessation; to provide for health insurance and Medicaid coverage for smoking cessation benefits; to provide for the promulgation of rules and regulations; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1041.1 is hereby enacted to read as follows:

§1041.1. Smoking cessation benefits; coverage

A.(1) Any health coverage plan delivered or issued for delivery in this state shall include coverage for smoking cessation benefits for a minimum period of six months if a licensed physician recommends and certifies that the smoking cessation benefits may help the person to quit smoking.

(2) The coverage required in this Section shall not be subject to annual deductibles, coinsurance, copayment, or any other out-of-pocket or cost-sharing expense provisions.

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

(1) “Health coverage plan” means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan, a self-insurance plan, and the Office of Group Benefits programs. “Health coverage plan” shall not include a plan providing coverage for excepted benefits as defined in R.S. 22:1061, limited benefit health insurance plans, and short-term policies that have a term of less than twelve months.

(2) “Smoking cessation benefits” means smoking cessation treatments and services, including individual counseling, group counseling, nicotine patches, nicotine gum, nicotine lozenges, nicotine nasal spray, nicotine inhaler, bupropion, and varenicline.

Section 2. R.S. 40:1295 is hereby enacted to read as follows:

§1295. Smoking cessation benefits program; medical assistance program; coverage

A. For the purposes of this Section, the following terms have the following meanings:

(1) “Department” means the Louisiana Department of Health.

(2) “Medical assistance program” means the medical assistance program provided for in Title XIX of the Social Security Act as administered by the Louisiana Department of Health.

(3) “Smoking cessation benefits” means smoking cessation treatments and services, including individual counseling, group counseling, nicotine patches, nicotine gum, nicotine lozenges, nicotine nasal spray, nicotine inhaler, bupropion, and varenicline.

B.(1) The smoking cessation benefits provided for in R.S. 22:1041.1 shall be a covered service in the medical assistance program.

(2) The smoking cessation benefits coverage required by this Subsection shall not be subject to any co-payments, deductibles, or other cost-sharing mechanisms.

C. The department shall promulgate and enforce such rules, regulations, and minimum standards as needed to carry out the provisions of this Section.

Section 3. The provisions of Section 1 of this Act shall apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2024. Any policy, contract, or health coverage plan in effect prior to January 1, 2024, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2025.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 282

HOUSE BILL NO. 624
BY REPRESENTATIVE BUTLER
AN ACT

To enact R.S. 33:2740.70.3, relative to Evangeline Parish; to create the Evangeline Economic Development Authority; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.70.3 is hereby enacted to read as follows:

§2740.70.3. Evangeline Economic Development Authority

A.(1) The Evangeline Economic Development Authority, referred to in this Section as the “district”, is hereby created in the parish of Evangeline. The boundaries of the district shall encompass all of the territory in the parish of Evangeline. The district shall be a political subdivision of the state created for the purpose of performing the functions of an economic and industrial development agency. Such functions may include, without limitation:

(a) Public relations, advertising, marketing, and providing and disseminating information.

(b) Government relations, ombudsman, and government liaison.

(c) Financial and financing assistance.

(d) Tax abatement.

(e) Planning and coordination for economic development and resource utilization, including such functions as industrial and economic research and industrial programming and solicitation.

(f) Industrial training, technical assistance, and technology transfer.

(g) The use of public and other legal powers to facilitate development.

(h) Promoting transfer mechanisms to take ideas from their point of origin or development to commercially successful utilization by local enterprises.

(i) Fostering entrepreneurial activity in the parish and region.

(j) Promoting the development of new products, processes, or services or new uses for existing products, processes, or services manufactured or marketed in the parish or region.

(k) Supporting market research aimed at identifying new markets for local or regional products and processes, including international markets; determining the characteristics, needs and preferences of those markets; and developing new marketing techniques to exploit those markets.

(l) Fostering and supporting economic and industrial development and

education in cooperation with private business enterprises, financial institutions, educational institutions, nonprofit institutions and organizations, state government and political subdivisions of the state, the federal government, and other organizations or persons concerned with research, development, education, commercial application, and economic or industrial development in ways which increase the economic base of the parish and region.

(2) For the purposes enumerated in Paragraph (1) of this Subsection, the district may engage in whatever activities and projects it deems most appropriate to encourage and assist economic growth and development within its territorial limits in accordance with and pursuant to provisions of this Section.

(3) No rule, regulation, or order shall be adopted by the district which is in conflict with any law, rule, regulation, or order enacted or adopted by the United States of America, the state of Louisiana, or the parish of Evangeline. If the district adopts any such conflicting rule, regulation, or order it shall be void, except that no action by the state of Louisiana, the parish of Evangeline, or any other political subdivision shall abrogate any contract or agreement duly executed by the district.

B.(1) In order to provide for the orderly planning, development, acquisition, construction, and effectuation of the services, improvements, and facilities to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the purposes and development of the district, the district shall be managed by a board of commissioners, referred to in this Section as the "board". The board shall be comprised of eleven members all of whom shall be citizens of the United States and residents of the district. The members of the board shall be appointed as follows:

(a) The mayors of the municipalities located within the boundaries of the parish of Evangeline shall jointly appoint five members. One of the five members shall be appointed from a list of three nominations submitted to the mayors by the Evangeline Parish Farm Bureau.

(b) The governing authority of the parish of Evangeline shall appoint two members.

(c) The Evangeline Parish School Board shall appoint one member.

(d) The governing board of the Evangeline Parish Chamber of Commerce shall appoint one member.

(e) The governing boards of the two hospital providers located in the parish of Evangeline shall jointly appoint one member.

(f) South Louisiana Community College shall appoint one member.

(2) The members of the board shall include representatives from the business community, health care, legal and professional services, small business owners, financial institutions, manufacturing or service companies, local and regional educational systems or institutions, and parish and municipal government organizations. The board shall be representative of the parish's population by age, race, and gender to ensure diversity.

(3) Members shall serve four-year terms after serving initial terms as provided in this Paragraph. Three members shall serve an initial term of two years, four shall serve three years, and four shall serve four years as determined by lot at the first meeting of the board. No member of the board may be appointed for more than two consecutive terms.

(4) Vacancies occurring prior to the expiration of a term shall be filled in the manner of the original appointment for the remainder of the unexpired term.

(5) Any member may be removed for cause by a majority vote of the remaining board membership. The board may establish criteria for removal of members for cause in its bylaws.

(6) Members of the board shall serve without compensation but may receive reimbursement for approved and receipted expenses directly related to the governance of the district.

(7) Elected officials are not eligible to serve on the board.

(8) The board shall elect from its members a chairman, a vice chairman, a secretary, a treasurer, and such other officers as it may deem necessary. The offices of secretary and treasurer may be held by one person. The duties of the officers shall be fixed by the bylaws adopted by the board.

(9) The minute books and archives of the district shall be maintained by the secretary of the board. The monies, funds, and accounts of the district shall be in the official custody of the board.

(10) The board shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

(11) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board.

(12) The board shall prescribe rules to govern its meetings and shall maintain suitable offices in the parish of Evangeline.

(13) In order to facilitate the performance of its duties required in this Section and to further promote the economic development of the parish and region, the board may establish an advisory board. Such advisory board may be composed of persons or groups in the parish or region which the board believes will be able to contribute and assist in the task of economic and industrial development. The composition of the advisory board and the terms of its members shall be at the discretion of the board.

C. The district, through the board, shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following:

(1) To sue and to be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To adopt bylaws and rules and regulations.

(4) To receive by gift, grant, or donation any sum of money, property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.

(5) To enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.

(6) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(7) To acquire by purchase, gift, grant, donation, lease, or otherwise such property as may be necessary or desirable for carrying out the objectives and purposes of the board.

(8) To perform any other necessary and ancillary acts to effectuate its functions, to perform its duties, or to give effect to its powers in accordance with this Section.

D.(1) The board shall prepare or cause to be prepared a plan or plans, referred to in this Section as the "plan", specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district and shall conduct public hearings, publish notice with respect thereto, and disseminate information as it, in the exercise of its sound discretion, may deem to be appropriate or advisable and in the public interest.

(2) Any plan may specify and encompass any public services, capital improvements, and facilities which the parish of Evangeline is authorized to undertake, furnish, or provide under the constitution and laws of the state of Louisiana, and such specified public services, improvements, and facilities shall be special and in addition to all services, improvements, and facilities which the parish of Evangeline is then furnishing or providing or may then or in the future be obligated to furnish or provide within the district.

(3) Any plan shall include an estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities set forth therein.

(4) The board shall submit the plan to the governing authority of the parish of Evangeline. The parish governing authority shall review and consider the plan, but the board need not receive approval of the parish governing authority prior to implementing such plan.

E.(1) All services to be furnished within the district pursuant to any plan finally and conclusively adopted may be furnished, supplied, and administered by the parish of Evangeline through its regularly constituted departments, agencies, boards, commissions, and instrumentalities. All capital improvements and facilities to be acquired, constructed, or provided within the district may likewise be so acquired, constructed, or provided by the parish of Evangeline through its regularly constituted departments, agencies, boards, commissions, and instrumentalities, it being the intention of this Paragraph to avoid the duplication of administrative and management efforts and expense in the implementation of any plan adopted for the benefit of the district.

(2) In order to provide services or provide, construct, or acquire capital improvements or facilities, the board may enter into intergovernmental local service contracts with the parish of Evangeline.

F.(1) In addition to the authority provided to the district by this Section, the district may levy and collect a sales and use tax within the boundaries of the district not to exceed one percent.

(2) The tax shall be imposed by resolution of the board and shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the distribution, and storage for use or consumption of tangible personal property, and upon the sales of services within the boundaries of the district, all as defined in R.S. 47:301 et seq. However, the resolution imposing the tax shall be adopted only after the proposition authorizing the levy of the tax is approved by a majority of the qualified electors of the district voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1). The purpose and rate of the tax shall be as provided in the resolution.

(3) Except where inapplicable, the procedure established by R.S. 47:301 et seq. shall be followed in the imposition, collection, and enforcement of the tax, and procedural details necessary to supplement those Sections and to make them applicable to the tax authorized in this Subsection shall be fixed in the resolution imposing the tax.

(4) The tax shall be imposed and collected uniformly throughout the jurisdiction of the district.

(5) The tax levied pursuant to this Subsection shall be in addition to all other taxes other political subdivisions within the jurisdiction of the district are authorized to levy and collect.

(6) Any monies received by the district shall be used exclusively for the benefit of the district.

G.(1)(a) In addition to any authority provided to the district by this Section, the district shall have the authority provided to an economic development district by Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 to implement tax increment financing and may issue revenue bonds payable from an irrevocable pledge and dedication of up to the full amount of tax increments available to an economic development district as provided in this Section and in such Part to be derived from any project or projects of the district as provided for in this Section, or parts of such projects, in an

amount to be determined as provided for in this Section, in order to finance or refinance any project or projects, or parts thereof, which are consistent with the purposes of the district.

(b) Notwithstanding any provision of law to the contrary, any portion of the tax of any local governmental subdivision or other tax recipient body may only be used as a tax increment for tax increment finance purposes with the consent of such local governmental subdivision or other tax recipient body expressed by ordinance or resolution and upon approval of a majority of the qualified electors voting at an election held for that purpose and conducted in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1).

(2) For purposes of the tax increment financing authority derived from Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 which is conferred upon the district by this Section, and only for purposes of this Section, "local governmental subdivision" as defined in such Part shall include the parish of Evangeline and all political subdivisions within the parish.

(3) For purposes of this Section, a tax increment shall consist of that portion of any tax levied within the district by a local governmental subdivision or other tax recipient body determined and pledged in the manner provided for in Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950. However, if the proceeds of such tax have been expressly dedicated to another purpose set forth in a proposition approved by the electorate of such local governmental subdivision or other tax recipient body, then the tax proceeds may not be used as a tax increment until a proposition which authorizes such use is submitted to and approved by such electorate.

H. The district shall dissolve and cease to exist one year after the date all bonds, notes, and other evidences of indebtedness of the district, including refunding bonds, are paid in full as to both principal and interest; however, in no event shall the district have an existence of less than three years from the effective date of this Section.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 283

HOUSE BILL NO. 649

(Substitute for House Bill No. 482 by Representative Echols)
BY REPRESENTATIVES ECHOLS, BUTLER, FISHER, FREIBERG,
MCFARLAND, THOMPSON, AND WHITE
AN ACT

To enact R.S. 36:209(A)(10) and Part VII of Chapter 9 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:1950.21 through 1950.26, relative to the Department of Culture, Recreation and Tourism; to provide for the Louisiana Music Trail; to create the Louisiana Music Trail Commission and to provide for its powers and duties; to provide for programs to promote the trail; to provide for responsibilities of the office of cultural development, the office of tourism, and the Department of Transportation and Development; to require reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VII of Chapter 9 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:1950.21 through 1950.26, is hereby enacted to read as follows:

PART VII. LOUISIANA MUSIC TRAIL

§1950.21. Purpose

The purpose of the Louisiana Music Trail is to commemorate and to promote awareness and encourage enjoyment of the stories, biographies, and points of interest in blues, rock and roll, country, zydeco, cajun, jazz, rhythm and blues, hip-hop, swamp pop, gospel, and other music types throughout Louisiana.

§1950.22. Louisiana Music Trail

The Department of Culture, Recreation and Tourism may establish a process and criteria for adding routes to the Louisiana Music Trail. Any political subdivision may request that a specified segment of a state or U.S. highway be included in the trail.

§1950.23. Louisiana Music Trail Commission; creation; membership

A. There is hereby created the Louisiana Music Trail Commission within the office of cultural development.

B. The commission shall be composed of seven members as follows:

(1) The assistant secretary of the office of cultural development, or his designee.

(2) The assistant secretary of the office of tourism, or his designee.

(3) The lieutenant governor shall appoint five members who shall serve at the pleasure of the lieutenant governor. Such members shall be residents of five different parishes through which the Louisiana Music Trail passes. Two shall have a bachelor's degree or professional experience in the field of music and three shall have a bachelor's degree or professional experience in art, history, or tourism.

(4) Members of the commission shall serve without compensation for their service but may receive expense reimbursement.

C.(1) The office of cultural development and the office of tourism shall provide a meeting space and staffing for the commission.

(2) The Louisiana Music Trail Commission shall meet as often as necessary

to perform its duties under this Part but not less than quarterly.

(3) The assistant secretary of the office of cultural development or his designee shall call the first meeting of the commission, and the commission shall elect a chairman at its first meeting.

(4) The commission shall adopt bylaws for the governance of its affairs.

(5) Four members of the commission constitute a quorum for the transaction of business.

§1950.24. Duties of the commission; Louisiana Music Trail programs

A. The Louisiana Music Trail Commission shall establish and administer the following Louisiana Music Trail programs:

(1) A tourism program that focuses on highlighting music stories and related dynamics on the designated music highways.

(2) A signage program that captures the stories, biographies, and points of interest in blues, rock and roll, country, zydeco, cajun, jazz, rhythm and blues, hip-hop, swamp pop, gospel, and other music types.

B. The office of cultural development and the office of tourism shall provide assistance to the commission in establishing and administering the programs.

C. The commission shall maintain information about federal and state grant opportunities to encourage the development of exhibits related to the musical heritage of the region.

D. The office of cultural development shall promulgate rules necessary to implement the Louisiana Music Trail programs created under this Section.

E. The commission may accept, receive, and use grants, monies, equipment, material, services, and immovable and movable property donated, bequeathed, or devised for any purpose relating to the activities of the commission and not expressly designated for any other agency.

§1950.25. Biennial report

A. The Louisiana Music Trail Commission shall submit a report by December thirty-first of each even-numbered year to the governor and the legislature.

B. The report required by this Section shall include the following:

(1) The commission's goals for increasing the number of music routes and signage over the next biennium.

(2) The tourism marketing and promotion the commission will focus on over the next biennium.

(3) The qualified routes approved by the commission and added to the Louisiana Music Trail during the biennium for which the report is being made, including the following:

(a) The name of the political subdivision that applied for approval of the route.

(b) A description of the music history and significance of the route.

(c) The location of the route including the start and end points.

§1950.26. Signage; official state map designation; official logo

A. The Department of Transportation and Development or its contractors shall erect appropriate signage, in accordance with the manual on uniform traffic control devices, reflecting those highways or sections of highways designated pursuant to this Part as the Louisiana Music Trail if funds are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign.

B. The Department of Transportation and Development may identify all highways designated as the Louisiana Music Trail on any official state highway maps prepared and distributed by the department.

C. The Department of Culture, Recreation and Tourism shall develop the official logo of the Louisiana Music Trail, and the logo shall be used as the logo to identify the routes designated as the Louisiana Music Trail. The logo shall be used on appropriate signage and official state highway maps to indicate those routes designated as the Louisiana Music Trail.

Section 2. R.S. 36:209(A)(10) is hereby enacted to read as follows:

§209. Transfer of boards, commissions, departments, and agencies to Department of Culture, Recreation and Tourism

A. The following agencies are transferred to and hereafter shall be within the Department of Culture, Recreation and Tourism in accordance with the provisions of R.S. 36:901 et seq. except as otherwise provided by this Subsection:

* * *

(10) The Louisiana Music Trail Commission (R.S. 56:1950.23).

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 284

SENATE BILL NO. 5

BY SENATOR ALLAIN

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

AN ACT

To amend and reenact R.S. 47:1431(E), 1857(B)(1) and (2), 1998(A)(2) and (B)(3), 2134(B)(1) and (4), (C)(4), (D)(3), and (E) and to enact R.S. 47:1989(G), and 2134(F), relative to ad valorem taxes; to provide for the filing of a petition with the Board of Tax Appeals; to provide for the security required for challenging the correctness or legality of ad valorem tax assessments; to provide for the timing of payments under protest or posting other security; to provide that a payment under protest is not required to appeal the correctness of an assessment to the Louisiana Tax Commission; to provide

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

for the posting of a bond or other security in lieu of a payment under protest for challenges to the legality of an assessment; to provide for interest and penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1431(E), 1857(B)(1) and (2), 1998(A)(2) and (B)(3), 2134(B)(1) and (4), (C)(4), (D)(3), and (E) are hereby amended and reenacted and R.S. 47:1989(G) and 2134(F) are hereby enacted to read as follows:

§1431. Filing of petition

* * *

E.~~(1)~~ Any collector, taxpayer, or other aggrieved party may file a petition or pleading with the board concerning any matter provided for pursuant to R.S. 47:1407(3) or other applicable law, **including a rule for bond or other security as provided by law.**

(2) The Louisiana Uniform Local Sales Tax Board may file an action for uniformity pursuant to R.S. 47:337.101 in the same manner as a local collector.

(3) The provisions of Subtitle III of this Title concerning district courts shall apply to the Board and its Local Tax Division in the same manner as for a district court.

* * *

§1857. Corrections and changes

* * *

B.(1) Any company may institute suit in the Board of Tax Appeals or any court having jurisdiction of the cause of action for the purpose of contesting the correctness or legality of any **determination related to** corrections and changes of its assessed valuation for taxation by the Louisiana Tax Commission under this Section, which suit must be instituted within thirty days after receipt of the notice ordering the change. However, to state a cause of action, the petition instituting the suit shall name the Louisiana Tax Commission as defendant and shall set forth not only the correction or change of its assessed valuation for taxation made by the Louisiana Tax Commission, but also the assessed valuation for taxation that the company deems to be correct and legal and the reasons therefor.

(2) Any company that has filed suit under these provisions and whose taxes have become due shall pay such taxes under protest **as provided in R.S. 47:2134(B)** to the officer or officers designated by law for the collection of such taxes and shall cause notice or notices to issue in such suit to the officer or officers as provided in R.S. 47:2134(B). Upon receipt of such notice or notices, the amount paid under protest shall be segregated and invested by such officer or officers either in an interest-bearing account or in a certificate of deposit pending a final, nonappealable judgment in the suit.

* * *

§1989. Review of appeals by tax commission

* * *

G. Notwithstanding any other law to the contrary, a taxpayer challenging the correctness of an assessment pursuant to Article VII, Section 18(E) of the Constitution of Louisiana or other applicable law is not required to make a payment under protest or post security while the correctness challenge is pending before the commission or during the pendency of an appeal of the commission's determination brought by any party other than the taxpayer. When a taxpayer appeals the commission's determination, the amount of the payment under protest or alternate security shall be based upon the commission's determination.

* * *

§1998. Judicial review; generally

A.(1)

* * *

(2) Any taxpayer who has filed suit under this provision and whose taxes have become due shall pay such taxes under protest **or timely file a rule to set bond or other security pursuant to R.S. 47:2134** and shall cause to issue notice to the officer designated by law for the collection of such tax under the provisions of R.S. 47:2134(B), and shall cause service of process to be made on the Louisiana Tax Commission as the officer designated by law to assess the property as provided for in R.S. 47:2134(B). However, the portion of taxes that is not in dispute shall be paid without being made subject to the protest.

B.(1)

* * *

(3) Any taxpayer in the state who has filed suit under these provisions and whose taxes have become due shall pay said taxes under protest **or timely file a rule to set bond or other security pursuant to R.S. 47:2134** and shall cause to issue a notice to the officer designated by law for the collection of such tax under the provisions of R.S. 47:2134(B), and shall cause service of process to be made on the Louisiana Tax Commission as provided for in R.S. 47:2134(B). However, the portion of taxes that is not in dispute shall be paid without being made subject to the protest.

* * *

§2134. Suits to recover taxes paid under protest

* * *

B.(1)~~(a)~~ A taxpayer challenging the correctness of an assessment under R.S. 47:1856, 1857, or 1998 shall timely pay the disputed amount of tax due under protest to the officer or officers designated by law for the collection of this tax **or timely file a rule to set bond or other security pursuant to Subsection F of this Section.** The portion of the taxes that is paid by the taxpayer to the collecting officer or officers that is neither in dispute nor the subject of a suit contesting the correctness of the assessment shall not be made subject to the protest. The taxpayer shall submit separate payments for the disputed amount of tax due and the amount that is not in dispute and not subject to the protest.

(b) Paying under protest or filing a rule to set bond or other security shall be considered timely if the payment is made or the rule is filed within the deadline to appeal to the Board of Tax Appeals or district court pursuant to R.S. 47:1856, 1857, or 1998.

* * *

(4) If the taxpayer prevails, the collecting officer or officers shall refund the amount to the taxpayer with interest at the actual rate earned on the money paid under protest in the escrow account during the period from the date such funds were received by the collecting officer or officers to the date of the refund. If the taxpayer does not prevail, the taxpayer shall be liable for the additional taxes together with interest at the rate set forth above during the period from the date the ~~notice of intention to file suit for recovery of taxes was given to the officer until the date the taxes are paid.~~ **taxes were due under R.S. 47:2127 until the date the taxes are paid, or in the case of taxes paid under protest, until the date of the payment under protest.**

C.(1)

* * *

(4) If the taxpayer prevails, the collecting officer or officers shall refund such amount to the taxpayer with interest at the actual rate earned on the money paid under protest in the escrow account during the period from the date such funds were received by the collecting officer or officers to the date of the refund. If the taxpayer does not prevail, the taxpayer shall be liable for the additional taxes together with interest at the rate set forth above during the period from the date the ~~notice of intention to file suit for recovery of taxes was given to the officer until the date the taxes are paid.~~ **taxes were due under R.S. 47:2127 until the date the taxes are paid, or in the case of taxes paid under protest, until the date of the payment under protest.**

D.

* * *

(3) The right to sue for recovery of a tax paid under protest **or other security** as provided in this Section shall afford a legal remedy and right of action at law in the **Board of Tax Appeals** or state or federal courts where any tax or the collection thereof is claimed to be an unlawful burden upon interstate commerce, or in violation of any act of the Congress of the United States, the Constitution of the United States, or the Constitution of Louisiana.

* * *

E.(1) Upon request of a taxpayer and upon proper showing by the taxpayer that the principle of law involved in an additional assessment is already pending before the Board of Tax Appeals or the courts for judicial determination, the taxpayer, upon agreement to abide by the pending decision of the Board of Tax Appeals or the courts, may pay the additional assessment under protest **pursuant to Subsection B or C of this Section or file a rule to set bond or other security pursuant to Subsection F of this Section** but need not file an additional suit. In such cases, the tax paid under protest **or other security** shall be segregated and held by the collecting officer or officers until the question of law involved has been determined by the courts, the Board of Tax Appeals, or finally decided by the courts on appeal, and shall then be disposed of as provided in the final decision of the Board of Tax Appeals or courts, as applicable.

(2) If the taxpayer prevails, the officer or officers shall refund such amount to the taxpayer with interest at the actual rate earned on the money paid under protest in the escrow account during the period from the date such funds were received by the officer or officers to the date of the refund. If the taxpayer does not prevail, the taxpayer shall be liable for the additional taxes together with interest at the rate set forth above during the period from the date the ~~notice of intention to file suit for recovery of taxes was given to the officer until the date the taxes are paid.~~ **taxes were due under R.S. 47:2127 until the date the taxes are paid, or in the case of taxes paid under protest, until the date of the payment under protest.**

E.(1) Notwithstanding any provision of law to the contrary, any taxpayer challenging the correctness or legality of any assessment whose remedy requires making a payment under protest pursuant to Subsection B or C of this Section may in the alternative comply with the provisions of this Subsection rather than making a payment under protest.

(2)(a)(i) On or before the date on which the taxes are due, the taxpayer challenging the legality of any assessment may file with the court or the Board of Tax Appeals a rule to set bond or other security, which shall be set for hearing within thirty days of the filing of the rule to set bond or other security, and shall attach to the petition evidence of the taxpayer's ability to post bond or other security.

(ii) Within the deadline to appeal to the Board of Tax Appeals or district court pursuant to R.S. 47:1856, 1857, or 1998, the taxpayer challenging the correctness of any assessment may file with the court or the Board of Tax Appeals a rule to set bond or other security, which shall be set for hearing within thirty days of the filing of the rule to set bond or other security, and shall attach to the petition evidence of the taxpayer's ability to post bond or other security.

(b) The term "other security" as used in this Subsection shall include but not be limited to a pledge, collateral assignment, lien, mortgage, factoring of accounts receivable, or other encumbrance of assets.

(3) The court or the Board of Tax Appeals may order either the posting of commercial bond or other security in an amount determined by the court or the board to be reasonable security for the amount of unpaid taxes and interest demanded in the assessment or may order the taxpayer to make a payment under protest in an amount determined in its discretion to be reasonable security considering the amount of unpaid taxes and interest. The court or board may order that a portion of the unpaid taxes and interest be paid under protest and

the balance secured by the posting of a bond or other security as provided in this Subsection.

(4) The posting of a bond or other security or the payment under protest shall be made no later than thirty days after the mailing of the notice of the decision of the court or the Board of Tax Appeals authorizing the posting of bond or other security or requiring that a payment under protest be made.

(5) If the taxpayer timely files the suit or any petition or rule referred to in this Subsection, no collection action shall be taken in connection with the assessment of taxes and interest that are the subject of the taxpayer's cause of action, unless the taxpayer fails to post bond or other security or make the payment under protest required by the court or board. The collector shall be permitted to file a reconventional demand against the taxpayer in the cause of action. A collector may procure an appraisal or conduct discovery concerning the value and validity of other security, as that term is described in Subparagraph (F)(2)(b) of this Subsection, offered prior to the date for filing the collector's response or opposition to a rule set for hearing under this Subsection.

(6) To the extent not inconsistent with this Subsection, the nature and amount of the bond or security and the procedures for posting bond or providing other security shall be consistent with the provisions for providing security in connection with a suspensive appeal under the Code of Civil Procedure.

(7) This Subsection shall not apply to amounts of tax that are not in dispute and are not the subject of a correctness or legality challenge.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 285

SENATE BILL NO. 189
BY SENATOR JACKSON AND REPRESENTATIVES WILFORD CARTER,
FISHER, GADBERRY, GAINES, GREEN, JORDAN, LARVADAIN,
MARCELLE, NEWELL AND PIERRE
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.
AN ACT

To amend and reenact R.S. 4:724(J) and to enact R.S. 4:724(L), (M), and (N), relative to electronic or video bingo; to provide for operation of machines by a licensed distributor if certain criteria are met; to provide for authorized locations; to provide for an effective date; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:724(J) is hereby amended and reenacted and R.S. 4:724(L), (M), and (N), are hereby enacted to read as follows:
§724. Use of electronic or video bingo games
* * *

J.(1) Any license or permit that was issued to any location for the use of electronic bingo machines on or before June 30, 2022, is a bona fide and valid license and permit under Louisiana law.

(2) Any license or permit that was issued to any distributor for the use of electronic video bingo machines on or before June 30, 2022, is a bona fide and valid license and permit under Louisiana law.

~~Any person who is licensed as a distributor shall be permitted to operate electronic video bingo machines which are not in compliance with the provisions of R.S. 4:724(B)(5) if either of the following occurs:~~

~~(a) The licensed distributor has purchased or has entered into a lease agreement approved by the office for the total number of electronic video bingo machines to be placed at a specific location and the electronic video bingo machines have been permitted by the office and placed at a location which has been approved by the office on or prior to August 15, 2008; or~~

~~(b) The licensed distributor has delivered to the office or has sent by certified mail an application with the required fees to have electronic video bingo machines permitted, which application has been received, but not approved by the office on or prior to August 15, 2008, and the application includes one of the following:~~

~~(i) Proof of purchase for the total number of video bingo machines to be placed at a specific location;~~

~~(ii) A nonrefundable deposit of a minimum of twenty-five percent of the fair market value of the wholesale purchase price of the total number of machines to be placed at a specific location;~~

~~(iii) A nonrefundable deposit on a lease agreement which is equivalent in value to a minimum of twenty-five percent of the fair market value of the wholesale purchase price of the total number of machines to be placed at a specific location;~~

~~(2) Electronic video bingo machines authorized by the provisions of this Subsection shall only be placed at one of the following locations:~~

~~(a) A location which has been approved by the office on or prior to August 15, 2008; or~~

~~(b) A location for which a completed application with the required fees for the licensing to conduct charitable gaming at a specific location has been received by the office on or prior to August 15, 2008. However, locations which have not been approved by the office prior to August 15, 2008, but for which an application has been timely filed as provided by this Subparagraph, shall have received final approval from the office and must be occupied by August 15, 2009, in order to operate electronic video bingo machines which are not in compliance with the provisions of R.S. 4:724(B)(5).~~

(3) The office shall not issue any license or permit to any location or to any distributor for use of electronic bingo machines after June 30, 2022.

* * *

L. If any location, where electronic or video bingo machines are validly licensed or permitted on or before June 30, 2022, to operate is damaged or destroyed due to an occurrence that is an act of God, natural disaster, force majeure, catastrophic event, action by a governmental body, or a similar occurrence over which the licensee or permittee has no reasonable control, the office may allow electronic or video bingo machines to operate at the same physical location.

M.(1) A location that has been licensed to conduct electronic video bingo by the office on or before June 30, 2022, may be sold or transferred to a new owner if the new owner is found suitable to hold a charitable gaming license by the office pursuant to this Chapter.

(2) Electronic video bingo machines licensed by the office on or before June 30, 2022, may be sold or transferred to a new owner if the new owner is found suitable to hold a charitable gaming license by the office pursuant to this Chapter.

N.(1) Notwithstanding any other law to the contrary, if the office is authorized by law to issue any new license or permit, the office shall not issue any new license or permit after June 30, 2022, that would allow any electronic or video bingo machine to be placed within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or any building used primarily as a church, synagogue, public library, or school. The measurement of the distance shall be a straight line from the nearest point of the intended location for the electronic video bingo machine for which any license or permit is sought to the nearest point of the property on the National Register of Historic Places, the public playground, the residential property, or the building used primarily as a church, synagogue, public library, or school.

(2) The provisions of this Paragraph shall not apply to either of the following:

(a) Any location that is damaged or destroyed due to an act of God, natural disaster, force majeure, catastrophic event, action by a governmental body, or a similar occurrence over which the licensee or permittee has no control.

(b) To any location licensed to conduct electronic video bingo on or before June 30, 2022.

(3) For purposes of this Paragraph, "residential property" means any property that is wholly or partly used for or intended to be used for living or sleeping by human occupants and that includes one or more rooms, including a bathroom and complete kitchen facilities. "Residential property" shall include a mobile home or manufactured housing, provided that the mobile home or manufactured housing has been in its present location for at least sixty days. "Residential property" shall not include any hotel or motel.

Section 2. This Act shall become effective on July 1, 2023.

Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 286

SENATE BILL NO. 192
BY SENATOR SMITH AND REPRESENTATIVES KNOX AND LAFLEUR
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT

To amend and reenact R.S. 27:11(A), 604(B)(2) and (3)(b), 625(G)(6), and 628(B), and to enact R.S. 27:20(D), 27.5, and 625(G)(7), relative to the Louisiana Gaming Control Board; to provide for board responsibilities; to provide for state police gaming enforcement division responsibilities; to establish human trafficking awareness and prevention training for licensees; to provide for sports wagering licenses; to provide for dedication of sports wagering gaming revenue; to provide for the sports wagering local allocation fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:11(A), 604(B)(2) and (3)(b), 625(G)(6), and 628(B) are hereby amended and reenacted, and R.S. 27:20(D), 27.5, and 625(G)(7) are hereby enacted to read as follows:

§11. Louisiana Gaming Control Board; creation; members; terms; meetings
A.(1) The Louisiana Gaming Control Board is hereby created. The board shall consist of nine members who shall be appointed by the governor and two ex officio members. In making the appointments, the governor shall appoint at least one member from each congressional district and such appointments shall, as nearly as practicable, be made in a manner that is representative of the population of the state. All such appointments are subject to confirmation by the Senate. Members shall serve staggered terms of six years. No person shall serve more than two terms whether consecutive or not. No person shall be appointed to serve on the board who had previously been confirmed by the Senate and served on any gaming regulatory board or commission in this state prior to the establishment of the Louisiana Gaming Control Board.

(2) The board shall not be considered a professional or occupational licensing board for the purposes of Title 37 of the Louisiana Revised Statutes of 1950.

* * *

§20. Department of Public Safety and Corrections, office of state police
* * *

D. The gaming enforcement division, office of state police, Department of Public Safety and Corrections shall not be considered a professional or

occupational licensing board for purposes of Title 37 of the Louisiana Revised Statutes of 1950.

§27.5. Uniform Human Trafficking Awareness and Prevention Training
A. Human trafficking is a serious and widely recognized problem. It is imperative for the health, safety, and welfare of the residents of the state of Louisiana that a comprehensive and uniform human trafficking awareness and prevention training be developed for the gaming industry.
B. The board in conjunction with the governor's office of human trafficking prevention and industry professionals shall develop and implement a comprehensive in-person and digital human trafficking awareness and prevention training for the gaming industry. If such development is not practical for the board, the board may approve third-party human trafficking awareness and prevention training programs. The training shall include but is not limited to training on identifying victims of human trafficking at gaming establishments in Louisiana.
C. The board shall adopt rules in accordance with the Administrative Procedure Act setting forth the minimum training requirements to be imposed on all licensees and permittees that are necessary to implement the provisions of this Section. Each licensee, permittee, and employee of a licensee or permittee shall certify participation in and completion of the human trafficking awareness and prevention training to the division on an annual basis as a condition of maintaining any gaming license or permit issued by the board.

§604. License; limited; requirements; contract with platform provider

B.(1)
(2)(a) ~~For the initial application process, if any entity identified in Paragraph (1) of this Subsection elects not to apply for a license or fails to submit a completed application to the board prior to January 1, 2022, or within thirty days of applications being available, whichever is later, it shall not be considered for a license. The board may consider for the remaining licenses, applications from:~~
(i) ~~Licensed establishments as defined in R.S. 27:402 and provided for in Chapter 8 of this Title. Any licensed establishment that is also licensed by the Louisiana State Racing Commission with the commission's approval may apply to be licensed to operate a sports book.~~
(ii) ~~Operators as defined in R.S. 27:302 and provided for in Chapter 6 of this Title.~~
(b) ~~From the licensed establishments and operators identified in Subparagraph (a) of this Paragraph, if the number of applications received by the board that are determined to be from eligible applicants exceeds the number of licenses available, the board shall provide for a concealed bid process and issue the available licenses, in accordance with the board's ranking of the bids, to the applicants that in the board's discretion have the greatest potential for revenue generation for the state. Should the sports wagering license held by an entity identified in Paragraph (1) of this Subsection be surrendered, that entity may reapply, or a new entity identified in Paragraph (1) of this Subsection may apply, for the sports wagering license within two years of the board's acceptance of the surrender. Should the sports wagering license of an entity identified in Paragraph (1) of this Subsection be revoked, any new entity approved by the board to operate under a new license identified in Paragraph (1) of this Subsection shall have the first option to apply for the sports wagering license within two years of the effective date of the approval.~~
(3)(a)

(b) Should a license become available after the initial issuance and entities identified in Paragraph (1) **and Paragraph (2)** of this Subsection decline to apply or the number of available licenses exceeds the number of entities identified in Paragraph (1) of this Subsection who are interested, the board shall notify the entities identified in Subparagraph (2)(a) of this Subsection **licensed establishments as defined in R.S. 27:402 and provided for in Chapter 8 of this Title, any licensed establishment that is also licensed by the Louisiana State Racing Commission with the commission's approval may apply to be licensed to operate a sports book, and operators as defined in R.S. 27:302 and provided for in Chapter 6 of this Title** who do not have a sports wagering license about the available license and provide those entities an opportunity to apply for the license by a certain date. If the number of applications determined by the board to be eligible applicants exceeds the number of available licenses, the board shall provide for a concealed bid process and issue the available licenses, in accordance with the board's ranking of the bids, to the applicants that in the board's discretion have the greatest potential for revenue generation for the state.

§625. State tax; levy

G. After complying with the provisions of Subsection D of this Section, each fiscal year the state treasurer shall credit the following amounts to the following funds:

(6) **Three percent of the monies collected pursuant to this Section, or five hundred thousand dollars, whichever is greater, shall be credited to the Compulsive and Problem Gaming Fund established by R.S. 28:842.**
(7) Any remaining funds shall be available as state general funds.

§628. Sports Wagering Local Allocation Fund

B. Monies in the fund shall be remitted monthly, by proportionate distribution, to each parish governing authority in which the taxable conduct pursuant to R.S. 27:625 occurred. The distribution **associated with mobile wagering only** shall be proportionate to the population percentage of each parish that approved a proposition to allow sports wagering compared to the total population of such parishes based on the latest federal decennial census.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 287

SENATE BILL NO. 204
BY SENATORS HEWITT, CORTEZ AND
ROBERT MILLS AND REPRESENTATIVE GAROFALO
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.
AN ACT

To amend and reenact R.S. 17:3047(B)(1), (C)(1)(a), (D), and (E)(1), 3047.2(A)(9), 3047.4(B) and (D)(3), 3047.6(A) and (B), and 3047.7(A)(2) and (B)(2), and to enact R.S. 17:3047.1(G), and to repeal R.S. 17:3047.2(A)(12) and 3047.3(A)(9), relative to the M.J. Foster Promise Program; to provide relative to program awards; to provide relative to eligibility requirements; to provide relative to administration of the program; to provide relative to coordination with other state agencies; to recodify and redesignate certain current law provisions of Title 17 of the Louisiana Revised Statutes of 1950 without changing the text of the provisions except as provided herein; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3047(B)(1), (C)(1)(a), (D), and (E)(1), 3047.2(A)(9), 3047.4(B) and (D)(3), 3047.6(A) and (B), and 3047.7(A)(2) and (B)(2) are hereby amended and reenacted and R.S. 17:3047.1(G) is hereby enacted to read as follows:
§3047. M.J. Foster Promise Award; purpose; award amount; limitations

B.(1) ~~Beginning with the 2022-2023 academic year, as~~ **As** funds allow, an award shall be provided to apply toward the tuition, **and** required fees, **and mandatory books and instructional materials** of each eligible student who enrolls in a qualified program as defined pursuant to R.S. 17:3047.1. The award shall be known as the “M.J. Foster Promise Award”, referred to in this Chapter as the “award”.

C.(1)(a) Award amounts shall not exceed three thousand two hundred dollars per year for each award recipient enrolled full-time in a qualified program; ~~or an amount proportional to the hours in which the~~ **The administering agency shall determine the reduced award amount for any** award recipient ~~is enrolled if~~ **who is** enrolled less than full-time.

D. The award shall be applicable only to the cost of tuition **and**, required fees, **and mandatory books and instructional materials**.

E.(1)(a) A student who is eligible for the award pursuant to this Chapter, and who also qualifies for any other federal, state, or institutional financial aid or award, may use the **initial** award **payment only after before** all other financial aid and awards are applied **and but** only for ~~any remaining the~~ balance due for tuition, **and** required fees, **and mandatory books and instructional materials**.
(b) **After the initial payment, the student may use the award only after any other federal, state, or institutional financial aid and awards are applied and only for the balance due for tuition, required fees, and mandatory books and instruction materials. For purposes of this Paragraph, federal financial aid shall not include funding from student loans, work-study, or the Workforce Innovation and Opportunity Act.**

§3047.1. Advisory council; membership; responsibilities

~~§3047.6(A)(3)~~ **G.** The ~~working group~~ **advisory council** shall ~~identify~~ **(1) Identify** federal and state programs, including childcare supplements and other aid or services, that may provide additional support to award recipients to further their postsecondary education.

~~§3047.6(A)(4)~~ **(2)** ~~The working group shall compile~~ **Compile** a list of all identified aid and services, provide a copy to the Board of Regents, and post the listing on the website of the office of student financial assistance.

§3047.2. Initial eligibility

A. To be eligible for the award, an applicant shall meet the following requirements:

(9) Have applied for federal student aid, unless the **qualified program chosen by the applicant does not qualify for federal student aid or if the** applicant demonstrates ineligibility for federal student aid to the administering agency. **The administering agency may provide by rule alternative methods to determine financial need for students who are unable to complete an application for federal student aid due to extenuating circumstances as defined by the administering agency. If applicant meets all eligibility requirements except**

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

filing the application for federal student aid, the applicant shall be eligible to receive one award payment prior to completion of the federal student aid application.

* * *

§3047.4. Funding

* * *

B. If the available funding is not sufficient to fully fund all eligible award recipients, awards shall be provided ~~first to eligible students in the order that applications are received, with priority given to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received the award~~ **and then next to all eligible students enrolled in a program as funds are available.**

* * *

D.

* * *

(3) The administering agency shall adopt regulations and guidelines for the distribution and allocation of monies appropriated to the administering agency which shall be **initially** subject to approval by the Joint Legislative Committee on the Budget.

* * *

§3047.6. Coordination with other agencies

~~A. (1) The office of student financial assistance shall establish a working group composed of an appointee from each of the following:~~

~~(a) The Louisiana Department of Children and Family Services.~~

~~(b) The Louisiana Department of Health.~~

~~(c) The state Department of Education.~~

~~(d) The Louisiana Workforce Commission.~~

~~(e) The Louisiana Department of Veterans Affairs.~~

~~(f) The Louisiana Association of Student Financial Aid Administrators.~~

~~(g) The office of student financial assistance.~~

~~(h) The Louisiana Department of Public Safety and Corrections.~~

~~(2) The working group shall meet at least annually upon the call of the executive director of the office of student financial assistance.~~

~~(3) and (4) [Redesignated to R.S. 17:3047.1(G)]~~

Notwithstanding any other law to the contrary, the administering agency shall enter into a memorandum of understanding with the Department of Children and Family Services and the Louisiana Department of Health to share information relative to an individual's qualifying data related to the success of award recipients in the workforce. Any information shared or furnished shall be held confidential by the administering agency and shall be reported in the aggregate only and contain no personally identifiable information.

B. Notwithstanding R.S. 47:1508 or any other law to the contrary, the administering agency shall enter into a memorandum of understanding with the Department of Revenue and the Louisiana Workforce Commission to share information relative to a taxpayer's reported income, **residency**, and employment information for purposes of generating data related to the success of award recipients in the workforce. Any information shared or furnished shall be held confidential by the administering agency; **and** shall be reported in the aggregate only; and ~~shall~~ contain no personally identifiable information.

* * *

§3047.7. Reporting system; implementation; requirements; applicability; participation by eligible institutions

A.

* * *

(2) The reporting system shall include data on all award recipients. **The number and percentage of students enrolled in each program shall be provided and shall stipulate whether each program is a credit hour program or non-credit hour program and include information on the number of credit hours required for each credit hour program, the length of each non-credit hour program, and the costs of each program.**

* * *

B. The information reporting system shall include the following:

* * *

(2)~~(a)~~ Demographic information of award recipients, including age, race, gender, and household income.

(b) The number and percentage of recipients who were determined to be participating in programs that do not qualify for federal student aid, as well as the number and percentage of those determined ineligible for federal student aid, and the number and percentage of those determined to be unable to complete federal student financial aid applications due to extenuating circumstances.

* * *

Section 2. R.S. 17:3047.2(A)(12) and 3047.3(A)(9) are hereby repealed.

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.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 288

SENATE BILL NO. 56
BY SENATOR CATHEY AND REPRESENTATIVES ECHOLS,
GAROFALO AND THOMPSON
AN ACT

To amend and reenact R.S. 47:305.62(B)(3) and to enact R.S. 47:302(BB)(119), 321(P)(120), 321.1(D)(120), and 331(V)(120), relative to state sales and use tax exemptions; to provide with respect to the annual Second Amendment sales tax holiday; to exclude purchases of certain items from qualifying for the sales tax holiday; to reinstate the Second Amendment sales tax holiday; to exempt the sale of firearms, ammunition, and hunting supplies from state sales and use tax; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S.47:305.62(B)(3) is hereby amended and reenacted and R.S. 47:302(BB)(119), 321(P)(120), 321.1(D)(120), and 331(V)(120) are hereby enacted to read as follows:

§302. Imposition of tax

* * *

BB. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(119) Eligible purchases made during the Second Amendment sales tax holiday as provided in R.S. 47:305.62.

* * *

§305.62. Exemption; Annual Louisiana Second Amendment Weekend Holiday

* * *

B.

* * *

(3) For the purposes of this Section, “hunting supplies” shall mean purchases of any tangible personal property for the use of hunting, including but not limited to archery, ~~off-road vehicles, and vessels such as ATVs, airboats, and pirogues, accessories, animal feed, apparel, shoes, bags, float tubes, binoculars, tools, firearm and archery cases, firearm and archery accessories, range finders, knives, decoys, treestands, blinds, chairs, optics, hearing protection and enhancements, holsters, belts, slings and miscellaneous gear.~~ **Hunting supplies shall not include the purchase of animal feed, float tubes, off-road vehicles such as ATVs or vessels such as airboats.**

* * *

§321. Imposition of tax

* * *

P. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(120) Eligible purchases made during the Second Amendment sales tax holiday as provided in R.S. 47:305.62.

* * *

§321.1. Imposition of tax

* * *

I. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(120) Eligible purchases made during the Second Amendment sales tax holiday as provided in R.S. 47:305.62.

* * *

§331. Imposition of tax

* * *

V. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

* * *

(120) Eligible purchases made during the Second Amendment sales tax holiday as provided in R.S. 47:305.62.

* * *

Section 2. This Act shall become effective on July 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2023, or the day following such approval by the legislature whichever is later.

Approved by the Governor, June 13, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 289

SENATE BILL NO. 75
BY SENATOR CONNICK
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of
the Constitution of Louisiana.
AN ACT

To amend and reenact R.S. 47:1565(A) and 1568(B) and (C) and to enact R.S. 47:1568(D), relative to the assessment of taxes; to provide relative to the notice of assessment; to provide relative to the mailing of such notices to international addresses; to provide relative to self-assessments; to provide relative to mailing of the notice when a taxpayer self-assesses; to provide a time limitation on the payment under protest of self-assessments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:1565(A) and 1568(B) and (C) are hereby amended and reenacted and R.S. 47:1568(D) is hereby enacted to read as follows:

§1565. Notice of assessment and right to appeal
A. Having assessed the amount determined to be due, the secretary shall send a notice by certified mail to the taxpayer against whom the assessment is imposed at the address given in the last report filed by said taxpayer, or to any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from United States Postal Service certified software. However, if the notice is to be mailed to an address outside the United States, the secretary shall send notice by First-Class Mail International with Electronic United States Postal Service Delivery Confirmation. If no report has been timely filed, the secretary shall send a notice by certified mail to the taxpayer against whom the assessment is imposed at any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from United States Postal service certified software. However, if the notice is to be mailed to an address outside the United States, the secretary shall send notice by First-Class Mail International with Electronic United States Postal Service Delivery Confirmation. This notice shall inform the taxpayer of the assessment and that he has sixty calendar days from the date of the notice to either pay the amount of the assessment or to appeal to the Board of Tax Appeals for a redetermination of the assessment. All such appeals shall be made in accordance with the provisions of Chapter 17, Subtitle II of this Title.

* * *

§1568. Assessment of tax shown on face of taxpayer's returns

* * *

B. If the taxpayer fails to accompany his return filed with a proper payment, as required by any Chapter of this Subtitle, the secretary shall immediately send a notice by mail to such person, addressed to the address appearing on the return or to any available address, informing him of the amount due, or the balance of the amount due if a partial payment has been made, and demanding payment of such amount within thirty calendar days from the date of the notice. If the balance of the amount due exceeds one thousand dollars, the secretary shall send the notice by certified mail. If payment has not been received at the expiration of such time, the assessment shall be collectible by distraint and sale as is hereinafter provided.

C.(1) The secretary may elect to send to a taxpayer or dealer by regular mail a copy of the notice of tax due containing the same information and addressed in the same manner as provided in Subsection B of this Section. If the secretary mails this regular mail notice within five business days of mailing the notice of tax due to the same address as the secretary mails the notice of tax due by certified mail, then the notice transmitted by regular mail shall be deemed to have been received by the taxpayer or dealer for the purposes of this Subsection on the earlier of the date that the United States Postal Service record indicates that it first attempted to deliver the notice of tax due to the taxpayer or dealer, or on the seventh business day from mailing. A certificate of mailing or other proof of mailing from the United States Postal Service shall establish that this copy of the notice of tax due was transmitted by regular mail. Other evidence may be used to alternatively establish the presumption of delivery provided for in this Subsection, including an affidavit of the person who transmitted the notice attesting to the fact that it was transmitted in accordance with the provisions of this Subsection.

(2) Notwithstanding any provision of law to the contrary, if the secretary in his sole discretion chooses not to send the copy of the notice of tax due provided for in Paragraph (1) of this Subsection, the absence of transmitting the notice by regular mail shall not be used to establish that a notice of tax due was either not mailed or not received.

(3) If the secretary in his sole discretion sends the copy of the notice of tax due provided for in Paragraph (1) of this Subsection, the transmittal of the notice shall have no impact on: the time within which the amount of tax due is required to be paid or paid under protest, or, as provided in this Section, the time within which the assessment becomes final.

E.D. Nothing in this Section shall be construed as denying the right of the taxpayer to pay the assessment under protest within sixty calendar days from

* As it appears in the enrolled bill

the date of the notice provided for in Subsection B of this Section, or to claim a refund of the assessment after payment, all in a manner as is hereinafter set out in this Chapter.

Section 2. The provisions of this Act shall apply to assessments and notices mailed on or after October 1, 2023.

Approved by the Governor, June 13, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 290

SENATE BILL NO. 96
BY SENATOR TALBOT
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.
AN ACT

To amend and reenact R.S. 22:1973(F) and 2296 and to enact R.S. 22:1892(H), relative to the Louisiana Insurance Guaranty Association and the Louisiana Citizens Property Insurance Corporation; to provide immunity from any penalties awarded in regard to property insurance claims; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:1973(F) and 2296 are hereby amended and reenacted and R.S. 22:1892(H) is hereby enacted to read as follows:

§1892. Payment and adjustment of claims, policies other than life and health and accident; vehicle damage claims; extension of time to respond to claims during emergency or disaster; penalties; arson-related claims suspension

* * *

H. The Louisiana Insurance Guaranty Association, as provided in R.S. 22:2051 et seq., and the Louisiana Citizens Property Insurance Corporation, as provided in R.S. 22:2291 et seq., shall not be subject to the provisions of Louisiana Code of Civil Procedure Article 591 et seq., or any other provision allowing a class action, for any damages including any penalties awarded pursuant to the provisions of this Section.

* * *

§1973. Good faith duty; claims settlement practices; cause of action; penalties

* * *

F. The Louisiana Insurance Guaranty Association ~~Fund~~, as provided in R.S. 22:2051 et seq., shall not be liable for any special damages awarded under the provisions of this Section. Neither the Louisiana Insurance Guaranty Association, as provided in R.S. 22:2051 et seq., nor the Louisiana Citizens Property Insurance Corporation, as provided in R.S. 22:2291 et seq., shall be liable for any penalties awarded pursuant to the provisions of Subsection C of this Section.

* * *

§2296. Immunity from liability

A. ~~There For any action taken in the performance of duties or responsibilities pursuant to this Chapter, there shall be no liability on the part of and no cause of action of any nature shall arise against the commissioner of insurance, or against the governing board of the Louisiana Citizens Property Insurance Corporation or anyone acting on behalf of the corporation or the plans, or against any servicing carrier or carriers, or against any assessable insurer, or against any participating insurance producer, or against the Department of Insurance or its representatives, for any action taken by them in the performance of their duties or responsibilities under this Chapter. any of the following:~~

- (1) The commissioner.
- (2) The Louisiana Citizens Property Insurance Corporation or its plans or its agents, employees, or members of the governing board, or their designees.
- (3) The department or its employees or representatives.
- (4) Any service provider.
- (5) Any assessable insurer.
- (6) Any participating insurance producer.

B. ~~Such The~~ immunity from liability provided in this Section does shall not apply to any of the following:

- ~~(1) Any of the persons or entities listed in Subsection A of this Section~~ person for any willful intentional tort or criminal act.
- ~~(2) The corporation, corporation~~ or insurance producers placing business with one of the ~~plans; plans~~ for breach of any contract or agreement pertaining to insurance coverage or its statutory obligations related to coverage.
- (3) The corporation for any supervisory or regulatory action, examination, or audit taken by the commissioner.
- ~~(3)(4)~~ The corporation with respect to issuance or payment of debt.
- ~~(4)(5)~~ Any assessable insurer with respect to any action to enforce ~~such the~~ insurer's obligations to the corporation under pursuant to this Chapter.

Approved by the Governor, June 13, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 291

SENATE BILL NO. 129

BY SENATOR CLOUD AND REPRESENTATIVE ZERINGUE
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 24:653(H)(2) and R.S. 44:4(15) and to enact R.S. 24:653(H)(3), relative to the litigation subcommittee of the Joint Legislative Committee on the Budget; to require certain actions to occur in executive session; to require certain actions for certain compromises or settlements; to require certain state entities to report corrective actions taken to mitigate state risk exposure upon request of the litigation subcommittee; to provide for an exemption from the Public Records Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:653(H)(2) is hereby amended and reenacted and R.S. 24:653(H)(3) is hereby enacted to read as follows:

§653. Duties and functions

* * *

H.(1)

* * *

(2) No attorney representing the state or any of its departments or agencies or any of its employees entitled to indemnification under R.S. 13:5108.1 shall sign any compromise or settlement which obligates the state to pay more than one million dollars five hundred thousand dollars or more without prior consultation with the attorney general and the members of the litigation subcommittee of the Joint Legislative Committee on the Budget. The consultation with the members of the litigation subcommittee shall occur in executive session.

(3)(a) At the request of the litigation subcommittee, any department, agency, board, commission, educational institution, or other state entity entitled to indemnification by the state or any employer of an employee entitled to indemnification under R.S. 13:5108.1 shall report on any corrective measures or actions taken to mitigate state risk exposure if the litigation subcommittee determines that such a report is necessary after consideration of a compromise or settlement of litigation.

(b) A meeting of the litigation subcommittee to receive a report from a state entity on corrective measures or actions pursuant to this Paragraph shall occur only after the subject litigation has been concluded. The litigation subcommittee may require that any indemnified state entity or employer of an indemnified employee appear at one or more meetings of the litigation subcommittee to discuss and report on corrective measures or actions.

(c) Any information provided by a state entity pursuant to this Paragraph may only be presented in executive session and any documentation prepared or compiled by the state entity pursuant to this Paragraph shall not be subject to disclosure pursuant to the Public Records Law set forth in R.S. 44:1 et seq.

* * *

Section 2. R.S. 44:4(15) is hereby amended and reenacted to read as follows:

§4. Applicability

This Chapter shall not apply:

* * *

(15)(a) To any pending claims or pending claim files in the custody or control of the office of risk management, division of administration, or similar records in the custody of any municipality or parish; to any information concerning pending legal claims in the files of any attorney representing the state or any municipality in connection with the office of risk management, division of administration, or any office with similar responsibilities of any municipality or parish; or to any pending claims relating to loss reserves maintained or established by the office of risk management, division of administration, or any office with similar responsibilities of any municipality or parish, for any claims or for losses incurred but not reported; however, this Chapter shall be applicable to reserves as reported in the financial statement of the office of risk management, division of administration, or any municipality or parish. Nothing in this Paragraph shall be construed or interpreted in a manner as to prevent or inhibit in any manner the chairman and vice chairman of the Joint Legislative Committee on the Budget and the litigation subcommittee of the Joint Legislative Committee on the Budget from obtaining dollar amounts billed by and paid to contract attorneys and experts in defense of claims against the state that the chairman or vice chairman, or the subcommittee determines is necessary to perform functions and duties relative to the evaluation of performance or the determination of budget policy; however, no legislator or any committee of the legislature shall disclose any confidential information so obtained that would jeopardize or have a detrimental effect on the litigating position of the state.

(b) To any documentation or other information related to a closed litigated claim that is provided by a state entity to the litigation subcommittee of the Joint Legislative Committee on the Budget pursuant to R.S. 24:653(H)(3).

* * *

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 292

SENATE BILL NO. 166

BY SENATORS JACKSON, BARROW, BOUIE, CARTER, CATHEY, CLOUD,

THE ADVOCATE

PAGE 25

* As it appears in the enrolled bill

DUPLESSIS, FIELDS, HEWITT, KLEINPETER, LUNEAU, MIZELL,
PRICE AND SMITH AND REPRESENTATIVES BOURRIAQUE, BROWN,
BRYANT, CARRIER, WILFORD CARTER, EDMONSTON, FISHER,
GLOVER, GREEN, TRAVIS JOHNSON, LARVADAIN, LYONS, GREGORY
MILLER, NEWELL, STEFANSKI, TURNER AND WHITE

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)

of the Constitution of Louisiana.

AN ACT

To enact R.S. 39:112(E)(2)(e), relative to capital outlay procedure; to provide relative to match requirements for non-state entity projects; to authorize the division of administration to waive the local match requirements for certain projects; to provide for application requirements; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:112(E)(2)(e) is hereby enacted to read as follows:

§112. Capital outlay act

* * *

E.(1)

* * *

(2) Non-state entity projects shall require a match of not less than twenty-five percent of the total requested amount of funding except:

* * *

(e)(i) The division of administration may, at its discretion, waive the entire match or a portion thereof for an applicant project undertaken by a municipality with a population of less than six thousand or a parish with a population of seven thousand five hundred or less which has demonstrated its inability to provide a local match by submitting to the division of administration:

(aa) The applicant's two most recent annual financial reports.

(bb) If the applicant project relates to an existing utility system, a rate study conducted within three years prior to the request for a waiver of the match.

(ii) If the applicant project relates to an existing utility system, the division of administration may, at its discretion, approve a waiver of the entire match or a portion thereof pursuant to this Subparagraph that is contingent upon the applicant increasing utility rates.

* * *

Section 2. 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.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 293

HOUSE BILL NO. 60

BY REPRESENTATIVE ECHOLS

AN ACT

To amend and reenact R.S. 3:4602(4) and (29), relative to weighing and measuring devices; to add “electricity disbursed by electric vehicle supply equipment” and “electric vehicle supply equipment” to certain definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4602(4) and (29) are hereby amended and reenacted to read as follows:

§4602. Definitions

As used in this Chapter, the following terms shall have the following meanings:

* * *

(4) “Commercial weighing and measuring device” means any weight, measure, or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, time, distance, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. Except as otherwise provided, the term shall include scales, weighing devices, and metering and measuring devices commercially used for determining the weight or amount of petroleum products, as well as electricity disbursed by electric vehicle supply equipment. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

* * *

(29) “Weights, measures, and weighing and measuring devices” includes all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, scanners or scanning devices that determine product identity and price at the point of sale, electric vehicle supply equipment, and any appliances and accessories connected with any such instruments. However, it does not include or refer to devices used to meter or measure, other than by weight, water, natural or manufactured gas, or electricity, except for electricity used in connection with electric vehicle supply equipment.

CODING: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.

Section 2. 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.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 294

HOUSE BILL NO. 435
BY REPRESENTATIVE FREEMAN
AN ACT

To enact Part VII of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1258.1 and 1258.2, relative to Medicaid coverage for chimeric antigen receptor T-cell therapy; to provide for definitions; to require certain healthcare facilities to determine eligibility for and provide chimeric antigen receptor T-cell therapy; to establish requirements for enrollment eligibility; to require the Louisiana Department of Health to perform certain duties relative to Medicaid coverage for such treatment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VII of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1258.1 and 1258.2, is hereby enacted to read as follows:

PART VII. CHIMERIC ANTIGEN RECEPTOR T-CELL THERAPY

§1258.1. Definitions

As used in this Part, the following terms have the meanings ascribed to them in this Section:

(1) “Chimeric antigen receptor (CAR) T-cell therapy” means a treatment that is designed to manipulate T-cell protein to recognize an antigen on targeted tumor cells in an effort to eliminate cancer.

(2) “Healthcare facility” has the same meaning as the term is defined in R.S. 40:2120.13.

§1258.2. Medicaid coverage; enrollment qualifications; duties

A. The Louisiana Medicaid program shall cover inpatient and, if deemed appropriate, outpatient coverage of CAR T-cell therapy when such therapy is approved by the United States Food and Drug Administration, used for a medically accepted indication, and administered in any healthcare facility appropriately providing CAR T-cell therapy in accordance with state and federal guidelines or certifications.

B. Any healthcare facility appropriately providing CAR T-cell therapy in accordance with state and federal guidelines or certifications that participates in the Louisiana Medicaid program shall provide CAR T-cell therapy to an individual who is eligible for such enrollment as defined in Subsection C of this Section.

C.(1) In order to receive coverage from the Louisiana Medicaid program for CAR T-cell therapy, the eligibility of a prospective enrollee shall be determined by the healthcare facility appropriately providing CAR T-cell therapy in accordance with state and federal guidelines or certifications as provided in Subsection B of this Section.

(2) A prospective enrollee shall be considered eligible for CAR T-cell therapy enrollment if the individual satisfies all of the following qualifications:

(a) The individual is enrolled in the Louisiana Medicaid program.

(b) A licensed healthcare provider has certified that CAR T-cell therapy is medically necessary and appropriate to treat the individual’s condition.

(c) The CAR T-cell therapy is administered in any healthcare facility appropriately providing CAR T-cell therapy in accordance with state and federal guidelines or certifications.

D. Pursuant to this Section, the secretary of the Louisiana Department of Health shall do all of the following:

(1) Submit to the Centers for Medicare and Medicaid Services all necessary state plan amendments.

(2) Promulgate all necessary rules and regulations in accordance with the Administrative Procedure Act.

(3) Promulgate rules as necessary to regulate and provide payment to healthcare providers for high cost pharmaceutical carve-outs in accordance with the provisions of this Part.

(4) Take any other actions necessary to implement the provisions of this Section.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 295

HOUSE BILL NO. 446
BY REPRESENTATIVES MIGUEZ AND GAROFALO
AN ACT

To amend and reenact R.S. 40:1379.3(C)(8) and 1379.3.3(B), (D)(1) and (6), and

(F)(2) and to enact R.S. 40:1379.3(I)(6) and 1379.3.3(D)(9), relative to firearms; to provide relative to the revocation or suspension of concealed handgun permits; to provide relative to an online education course; to provide relative to course topics; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.3(C)(8) and 1379.3.3(B), (D)(1) and (6), and (F)(2) are hereby amended and reenacted and R.S. 40:1379.3(I)(6) and 1379.3.3(D)(9) are hereby enacted to read as follows:

§1379.3. Statewide permits for concealed handguns; application procedures; definitions

* * *

C. To qualify for a concealed handgun permit, a Louisiana resident shall:

* * *

(8) Not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant or permittee chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant ~~has been found guilty of, or entered a plea of guilty or nolo contendere to operating a vehicle while intoxicated, or~~ has been admitted, either voluntarily or involuntarily, for treatment as an alcoholic, within the five-year period immediately preceding the date on which the application is submitted, or at any time after the application has been submitted.

* * *

I.

* * *

(6) No permit shall be suspended or revoked solely upon the basis of an arrest for a violation of R.S. 14:98.1.

* * *

§1379.3.3. Louisiana Firearm Safety Awareness Act

* * *

B. The Department of Public Safety and Corrections, office of state police, shall provide a ~~two-hour~~ two hour and fifteen-minute online handgun education course at no cost to Louisiana residents.

* * *

D. The online handgun education course shall include instruction on all of the following topics:

(1) Handgun basics and nomenclature, including handling procedures for a revolver and a semiautomatic pistol.

* * *

(6) Accident prevention, including safe storage of firearms.

* * *

(9) Suicide prevention, with an emphasis on the impact of firearm-related suicides involving veterans and current service members of the United States Armed Forces.

* * *

F.

* * *

(2) In accordance with Paragraph (1) of this Subsection, the Department of Public Safety and Corrections, office of state police, shall divide the topics provided in Subsection D of this Section into ~~eight~~ nine video segments that shall broadcast for no less than fifteen minutes per segment.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 296

HOUSE BILL NO. 652
(Substitute for House Bill No. 599 by Representative Dustin Miller)
BY REPRESENTATIVE DUSTIN MILLER
AN ACT

To amend and reenact R.S. 17:500(B)(1), 500.2(A)(2)(introductory paragraph) and (c), (D)(1)(b), and E(1)(a) and (2)(a) through (c) and (e), 1201(A)(2), 1202(A)(1)(b) and (2)(introductory paragraph) and (d), (D)(1)(b), and (E)(1)(a) and (c), (2)(a) through (c), and (3), 1206(A)(1), and 1206.2(D)(1)(b) and (E)(1)(a) and (c), (2)(a) through (c), and (3) and to enact R.S. 17:1200(D), relative to signature authority for certain healthcare professionals; to provide for sick leave procedures for teachers, school bus operators, and teaching staff; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:500(B)(1), 500.2(A)(2)(introductory paragraph) and (c), (D)(1)(b), and E(1)(a) and (2)(a) through (c) and (e), 1201(A)(2), 1202(A)(1)(b) and (2)(introductory paragraph) and (d), (D)(1)(b), and (E)(1)(a) and (c), (2)(a) through (c), and (3), 1206(A)(1), and 1206.2(D)(1)(b) and (E)(1)(a) and (c), (2)(a) through (c), and (3) are hereby amended and reenacted and R.S. 17:1200(D) is hereby enacted to read as follows:

§500. Sick leave for school bus operators; minimum pay for substitute

* * *

B.(1) All school bus operators employed by the parish and the city school boards of this state shall be entitled to and shall be allowed a minimum of ten days absence per school year because of personal illness or because of other emergencies or special circumstances, without loss of pay. Such sick leave when not used in any year shall be accumulated to the credit of the school

bus operator without limitation. When a school bus operator is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a clinician certifying such illness. As used in this Subpart “clinician” means a physician, physician assistant providing health care healthcare services in accordance with R.S. 37:1360.28, or nurse practitioner an advanced practice registered nurse providing health care healthcare services in accordance with R.S. 37:913 certifying such illness. The parish and city school boards are authorized to adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

§500.2. School bus operators; extended sick leave
A.

(2) As used in this Section, the following terms shall have the following meanings:

(c) “Medical necessity” means the result of catastrophic illness or injury, a life threatening life-threatening condition, a chronic condition, or an incapacitating condition, as certified by a physician clinician, of a school bus operator or an immediate family member.

D.(1) No school bus operator may undertake additional gainful employment while on extended sick leave, unless all of the following conditions are met:

(b) The physician clinician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended leave is required.

E.(1)(a) On every occasion that a school bus operator uses extended sick leave, a statement from a licensed physician clinician certifying that it is a medical necessity for the school bus operator to be absent for at least ten consecutive work days shall be presented prior to the extension of such leave. (2)(a) If the board or superintendent, upon review of the application, questions the validity or accuracy of the certification, the board or superintendent, as the case may be, referred to in this Paragraph as the “challenging party”, may require the school bus operator or the immediate family member, as a condition for continued extended leave, to be examined by a licensed physician clinician selected by the challenging party. In such a case, the employer shall pay all costs of the examination and any tests determined to be necessary. If the physician clinician selected by the challenging party finds medical necessity, the leave shall be granted.

(b) If the physician clinician selected by the challenging party disagrees with the certification of the physician clinician selected by the school bus operator, then the challenging party may require the school bus operator or the immediate family member, as a condition for continued extension of sick leave, to be examined by a third licensed appropriate physician clinician whose name appears next in the rotation of physicians clinicians on a list established by the local medical society for such purpose and maintained by the challenging party. All costs of an examination and any required tests by a third doctor clinician shall be paid by the employer. The opinion of the third physician clinician shall be determinative of the issue.

(c) The opinion of all physicians clinicians consulted as provided in this Paragraph shall be submitted to the challenging party in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125.

(e) All information contained in any statement from a physician clinician shall be confidential and shall not be subject to the public records law.

§1200. Definitions

D. As used in this Subpart, “clinician” means a licensed physician, physician assistant providing healthcare services in accordance with R.S. 37:1360.28, or an advanced practice registered nurse providing healthcare services in accordance with R.S. 37:913.

§1201. Amount of sick leave; reimbursement; injury on the job
A.

(2) When a member of the teaching staff is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a clinician physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness. Each parish and city school board may adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

§1202. Teachers; extended sick leave

A.(1) Every city, parish, and other local public school board shall permit:

(b) Each teacher granted maternity or adoptive leave in accordance with the provisions of R.S. 17:48 or 1211 and who has no remaining sick leave

balance available to take in the manner provided in this Section up to thirty days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician clinician as relating to infant or maternal health.

(2) As used in this Section, the following terms shall have the following meanings:

(d) “Medical necessity” means the result of catastrophic illness or injury, a life threatening condition, a chronic condition, or an incapacitating condition, as certified by a physician clinician, of a teacher or an immediate family member.

D.(1) No teacher may undertake additional gainful employment while on extended sick leave, unless all of the following conditions are met:

(b) The physician clinician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended leave is required.

E.(1)(a) On every occasion that a teacher uses extended sick leave, a statement from a licensed physician clinician certifying that it is for personal illness relating to pregnancy, illness of an infant, or for required medical visits related to infant or maternal health or that it is a medical necessity shall be presented prior to the extension of such leave.

(c) The physician clinician statement required by this Paragraph may be presented and the extended sick leave may be requested subsequent to the teacher's return to service. In such a case, the extended leave shall be granted for all days for which such leave is requested and the required documentation is presented provided the leave is requested and the required documentation is presented within three days after the teacher returns to service.

(2)(a) If the board or superintendent, upon review of the application, questions the validity or accuracy of the certification, the board or superintendent, as the case may be, referred to in this Paragraph as the “challenging party”, may require the teacher or the immediate family member, as a condition for continued extended leave, to be examined by a licensed physician clinician selected by the challenging party. In such a case, the employer shall pay all costs of the examination and any tests determined to be necessary. If the physician clinician selected by the challenging party finds medical necessity, the leave shall be granted.

(b) If the physician clinician selected by the challenging party disagrees with the certification of the physician clinician selected by the teacher or the immediate family member, then the challenging party may require the teacher or the immediate family member, as a condition for continued extension of sick leave, to be examined by a third licensed appropriate physician clinician whose name appears next in the rotation of physicians clinicians on a list established by the local medical society for such purpose and maintained by the challenging party. All costs of an examination and any required tests by a third doctor clinician shall be paid by the employer. The opinion of the third physician clinician shall be determinative of the issue.

(c) The opinion of all physicians clinicians consulted as provided in this Paragraph shall be submitted to the challenging party in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125.

(3) All information contained in any statement from a physician clinician shall be confidential and shall not be subject to the public records law.

§1206. Ten days sick leave for employees; cumulation of unused sick leave

A.(1) All such employees, as defined in R.S. 17:1205, shall be entitled to and shall be allowed a minimum of ten days leave of absence as sick leave or in case of other emergencies or special circumstances, per school year, without loss of pay. Any portion of such sick leave not used in any year shall be accumulated to the credit of the employee without limitation. When such employee is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a clinician, physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness. Each parish and city school board may adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

§1206.2. Employees; extended sick leave

D.(1) No employee may undertake additional gainful employment while on extended sick leave, unless all of the following conditions are met:

(b) The physician clinician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended leave is required.

E.(1)(a) On every occasion when an employee uses extended sick leave, a statement from a licensed physician clinician certifying that it is a medical necessity for the employee to be absent for at least ten consecutive work days

shall be presented prior to the extension of such leave.

(c) The ~~physician~~ clinician statement required by this Paragraph may be presented and the extended sick leave may be requested subsequent to the employee's return to service. In such a case, the extended leave shall be granted for all days for which such leave is requested and the required documentation is presented provided the leave is requested and the required documentation is presented within three days after the employee returns to service.

(2)(a) If the board or superintendent, upon review of the application, questions the validity or accuracy of the certification, the board or superintendent, as the case may be, referred to in this Paragraph as the "challenging party", may require the employee or the immediate family member, as a condition for continued extended leave, to be examined by a licensed ~~physician~~ clinician selected by the challenging party. In such a case, the employer shall pay all costs of the examination and any tests determined to be necessary. If the ~~physician~~ clinician selected by the challenging party finds medical necessity, the leave shall be granted.

(b) If the ~~physician~~ clinician selected by the challenging party disagrees with the certification of the ~~physician~~ clinician selected by the employee or the immediate family member, then the challenging party may require the employee or the immediate family member, as a condition for continued extension of sick leave, to be examined by a third ~~licensed~~ appropriate ~~physician~~ clinician whose name appears next in the rotation of ~~physicians~~ clinicians on a list established by the local medical society for such purpose and maintained by the challenging party. All costs of an examination and any required tests by a third ~~doctor~~ clinician shall be paid by the employer. The opinion of the third ~~physician~~ clinician shall be determinative of the issue.

(c) The opinion of all ~~physicians~~ clinicians consulted as provided in this Paragraph shall be submitted to the challenging party in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125.

(3) All information contained in any statement from a ~~physician~~ clinician shall be confidential and shall not be subject to the public records law.

Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 297

HOUSE BILL NO. 127
BY REPRESENTATIVE HUGHES
AN ACT

To amend and reenact R.S. 47:854(A) and (B) and 855 and to enact R.S. 26:421(F) and R.S. 47:302(BB)(119), 305.79, 321(P)(120), 321.1(I)(120), and 331(V)(120), relative to state excise and sales and use taxes; to provide for exemptions from such taxes; to exempt from such taxes the furnishing of alcoholic beverages, products otherwise subject to the state tobacco tax, and other items at no charge as samples at, or in conjunction with, conferences, conventions, expositions, trade shows, and similar events; to provide for limitations on the exemptions; to terminate the exemptions on a certain date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 26:421(F) is hereby enacted to read as follows:
§421. Exempt products

F.(1)(a) No tax imposed pursuant to the provisions of this Chapter shall apply to the furnishing of an alcoholic beverage at no charge as a sample in a business-to-business exchange at, or in conjunction with, a conference, convention, exposition, trade show, professional or trade association event, business or professional meeting, corporate event, or exhibition of any kind held in this state.

(b)(i) For purposes of this Subsection, "business-to-business exchange" means the distribution by a business of free samples in a limited quantity with nominal value to another business as part of a genuine effort to sell or market the product being sampled to that business.

(ii) For purposes of this Subparagraph, "nominal value" means a value which is so small or slight that it is not considered real or substantial in comparison with what might reasonably be expected.

(2) The exemption provided for in this Subsection shall terminate on August 1, 2033, and shall have no effect on and after that date.

Section 2. R.S. 47:854(A) and (B) and 855 are hereby amended and reenacted and R.S. 47:302(BB)(119), 305.79, 321(P)(120), 321.1(I)(120), and 331(V)(120) are hereby enacted to read as follows:

§302. Imposition of tax

BB. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

(119) Items furnished at no charge as samples at conferences, conventions, expositions, trade shows, or similar events as provided in R.S. 47:305.79.

§305.79. Exemption: samples given at conventions or trade shows

A.(1) The sales tax imposed by the state of Louisiana shall not apply to the furnishing of an item at no charge as a sample in a business-to-business exchange at, or in conjunction with, a conference, convention, exposition, trade show, professional or trade association event, business or professional meeting, corporate event, or exhibition of any kind held in this state.

(2)(a) For purposes of this Section, "business-to-business exchange" means the distribution by a business of free samples in a limited quantity with nominal value to another business as part of a genuine effort to sell or market the product being sampled to that business.

(b) For purposes of this Paragraph, "nominal value" means a value which is so small or slight that it is not considered real or substantial in comparison with what might reasonably be expected.

B. The exemption provided for in this Section shall terminate on August 1, 2033, and shall have no effect on and after that date.

§321. Imposition of tax

P. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

(120) Items furnished at no charge as samples at conferences, conventions, expositions, trade shows, or similar events as provided in R.S. 47:305.79.

§321.1. Imposition of tax

I. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

(120) Items furnished at no charge as samples at conferences, conventions, expositions, trade shows, or similar events as provided in R.S. 47:305.79.

§331. Imposition of tax

V. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

(120) Items furnished at no charge as samples at conferences, conventions, expositions, trade shows, or similar events as provided in R.S. 47:305.79.

§854. Declaration of intent and purpose of Chapter

A. It is the intent and purpose of this Chapter to levy an excise tax on all cigars, cigarettes, and smoking tobacco, as defined in this Chapter, sold, used, consumed, handled, or distributed in this state, except as provided in R.S. 47:855, and to collect same from the dealer who first sells, uses, consumes, handles, or distributes the same in the state of Louisiana.

B. It is further the intent and purpose of this Chapter that, except as provided in R.S. 47:855, where a dealer gives away cigars, cigarettes, or smoking tobacco for advertising or any other purpose whatsoever the products shall be taxed in the same manner as if they were sold, used, consumed, handled, or distributed in this state; however, for the taxable periods beginning on and after January 1, 2013, through December 31, 2025, this shall not be construed to include cigars or pipe tobacco, as defined and appropriately labeled in accordance with the Federal Food, Drug, and Cosmetic Act, the Family Smoking Prevention and Tobacco Control Act, also known as the Tobacco Control Act, and all applicable state laws, federal laws, and regulations, sampled on the premises of convention facilities during the convention of the International Premium Cigar and Pipe Retailers Association.

§855. Exemption from tax

A. Smoking and chewing tobacco purchased by or for state institutions for issue to the inmates of the same is hereby exempted from the taxes levied by this Chapter, provided; however, nothing in this Section Subsection shall be construed to exempt the tax on manufactured cigarettes and cigars.

B.(1)(a) No tax levied by this Chapter shall apply to the furnishing of a product at no charge as a sample in a business-to-business exchange at, or in conjunction with, a conference, convention, exposition, trade show, professional or trade association event, business or professional meeting, corporate event, or exhibition of any kind held in this state.

(b)(i) For purposes of this Subsection, "business-to-business exchange" means the distribution by a business of free samples in a limited quantity

with nominal value to another business as part of a genuine effort to sell or market the product being sampled to that business.

(ii) For purposes of this Subparagraph, “nominal value” means a value which is so small or slight that it is not considered real or substantial in comparison with what might reasonably be expected.

(2) The exemption provided for in this Subsection shall terminate on August 1, 2033, and shall have no effect on and after that date.

Section 3. The provisions of Sections 1 and 2 of this Act shall apply to taxable periods beginning on or after August 1, 2023.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 298

HOUSE BILL NO. 148
BY REPRESENTATIVE STAGNI
AN ACT

To amend and reenact R.S. 40:1666.1(A)(1), 1666.3(A), (B), and (C), and 1666.6, relative to supplemental pay for firemen; to provide relative to qualification for such payments; to provide for the distribution of such payments; to provide with respect to the powers and duties of the state fire marshal regarding such payments; to provide with respect to the powers and duties of the Department of Public Safety and Corrections regarding such payments; to provide with respect to the powers and duties of the Fireman's Supplemental Pay Board; to provide with respect to compensation of members of the Fireman's Supplemental Pay Board; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1666.1(A)(1), 1666.3(A), (B), and (C), and 1666.6 are hereby amended and reenacted to read as follows:

§1666.1. Extra compensation

A.(1) In addition to the compensation now paid by any municipality, parish, fire protection district, or other political subdivision maintaining a fire department, or by the Chitimacha Tribe of Louisiana or the Coushatta Tribe of Louisiana, hereinafter referred to as “tribe”, or by any nonprofit corporation contracting with any such political subdivision to provide fire protection services to every paid, regularly employed employee who is paid not less than three hundred dollars per month, not including supplemental pay, as distinguished from part-time employees and volunteers of such fire department, who are carried on the payroll of such fire department, and every employee as defined herein who is paid from funds of the parish or municipality or tribe obtained through lawfully adopted bond issues, lawfully assessed taxes, or other funds available for such purpose, either directly or through a board or commission set up by law or ordinance of the parish or municipality or tribe, shall be paid extra compensation by the state in the amount of five hundred dollars per month for each such paid employee who has completed or who hereafter completes one year of service. The provisions of Paragraph (5) of this Subsection shall govern the requirements for length of service for employees who were ordered to active military duty in the armed services of the United States during their initial term of employment.

* * *

§1666.3. Warrants

A. The funds credited and dedicated as herein provided shall be disbursed upon warrants drawn approved and certified by the mayors or parish officials and the fire chiefs of the respective municipalities or parishes coming under the provisions of this Part, which warrants shall have attached to them a detailed list of the names of the employees for whose benefit any particular warrant is drawn, together with the completed years of service of such employees and such other information as the state fire marshal Department of Public Safety and Corrections may require.

B. The mayors or parish officials of the respective municipalities or parishes shall forward the approved and certified warrants to the secretary of the Department of Public Safety and Corrections and, after obtaining approval of the board as provided in R.S. 40:1666.8 hereof, on the basis of such warrants, the secretary of the Department of Public Safety and Corrections shall cause to be prepared and shall sign individual checks issue payments representing the amount to be paid out of state funds to each employee in accordance with the provisions of this Subsection. Each such check shall show the legislative appropriation from which payment is made and shall note that it represents additional compensation paid by the state under the provisions of this Part. The secretary shall deliver the checks issue payments to the individual employees in whose favor they are drawn, by mail, or by such other means as he shall determine.

C. The mayor, fire chief, or other municipal or parish officer of the municipalities or parishes employing persons entitled to additional compensation from the state under the provisions of this Part, who is charged with the responsibility of preparing the pay rolls for such employees, shall include the additional compensation paid by the state to such employees in the calculation and deduction from the pay of such employees of the sums required by state or federal law to be withheld by an employer, such as federal income tax and social security tax or contributions to local retirement systems. Any officials so charged with withholding sums from the pay of the municipal or parish paid fire department employees shall be further charged

with the responsibility of transmitting the sums so withheld in accordance with the law or laws requiring the withholding.

* * *

§1666.6. Compensation; expenses

A. The members of the board shall receive per diem in the amount of fifty dollars per day and shall be reimbursed for actual mileage in attending to official business. The per diem and the reimbursement of mileage expenses shall be made by the state fire marshal Department of Public Safety and Corrections and shall be payable out of the special fund provided in R.S. 40:1666.2, provided, however, that no such expense shall be payable unless a residual remains in the special fund after payment of all amounts due as extra compensation under the provisions of R.S. 40:1666.1.

B. The board is authorized and empowered to employ one Accountant I or II whose compensation and benefits shall be in accordance with the rules, regulations, and schedule of the state civil service, to be paid by the state fire marshal out of the special fund provided in R.S. 40:1666.2 upon certification by the chairman of the board of the name of the employee chosen through the usual process of state civil service; however, no such expense shall be incurred or payable unless a residual remains in the special fund after the payment of all amounts due as extra compensation under the provisions of R.S. 40:1666.1. Nothing contained herein shall be interpreted as prohibiting the appointment of those persons currently holding the position of Accountant Clerk I or II for the board from applying for or from being given first option in the appointment to the position of Accountant I or II.

Section 2. The provisions of this Act shall become effective July 1, 2023.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 299

HOUSE BILL NO. 186
BY REPRESENTATIVES DAVIS, BOYD, BROWN, BUTLER, CARRIER,
FREEMAN, FREIBERG, GLOVER, HILFERTY, HUGHES, ILLG, LANDRY,
MCFARLAND, MOORE, NEWELL, SCHLEGEL, AND WILLARD AND
SENATORS CARTER, DUPLESSIS, JACKSON, ROBERT MILLS, SMITH,
AND TALBOT
AN ACT

To enact R.S. 22:1036.1, relative to health insurance issuers; to require health coverage plans to cover services and benefits relative to standard fertility preservation services; to require patients to meet certain conditions; to provide for exemptions; to provide for definitions; to provide for effectiveness; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1036.1 is hereby enacted to read as follows:

§1036.1. Required coverage for standard fertility preservation services; conditions applicable to coverage; storage limitations; exemptions; definitions

A.(1) A health insurance issuer offering health coverage plans in this state that provide hospital, medical, or surgical benefits for individuals covered under a respective plan shall provide coverage for medically necessary expenses for standard fertility preservation services when a medically necessary treatment may directly or indirectly cause iatrogenic infertility.

(2)(a) A health coverage plan shall provide coverage for standard fertility preservation services for a covered individual who has been diagnosed with cancer for which necessary cancer treatment may directly or indirectly cause iatrogenic infertility.

(b) Coverage for standard fertility preservation services as defined in this Section includes the costs associated with storage of oocytes and sperm, but a health coverage plan may exclude the costs of storage after three years.

(c) A health coverage plan shall not require preauthorization for coverage of standard fertility preservation services; however, a health coverage plan may contain provisions for maximum benefits and may apply a deductible, copayment, coinsurance, and reasonable limitations and exclusions to the extent that these applications are not inconsistent with the requirements of this Section.

B.(1) A religious employer may submit a written request for exemption to a health insurance issuer and such issuer shall grant the exemption if the coverage required by this Section conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains an exemption pursuant to this Subsection shall provide prospective enrollees of its health coverage plan with written notice of the exemption.

(2) Nothing in this Subsection prohibits an enrollee of a health coverage plan provided by his religious employer from purchasing, at his own expense, a supplemental insurance policy that covers standard fertility preservation services.

C. For purposes of this Section, the following terms apply:

(1) “Health coverage plan” means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract or agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy or any other insurance contract of this type, and the office of group benefits programs. “Health coverage plan” does not include a plan providing coverage for excepted benefits as defined in R.S. 22:1061, limited benefit

health insurance plans, or short-term policies that have a term of less than twelve months.

(2) “Iatrogenic infertility” means an impairment of fertility caused directly or indirectly by surgery, chemotherapy, radiation, or other medical treatment.

(3) “Medical treatment that may directly or indirectly cause iatrogenic infertility” means medical treatment with a potential side effect of impaired fertility as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine.

(4) “Religious employer” means an employer that is a church, convention, or association of churches, or an elementary or secondary school that is controlled, operated, or principally supported by a church, convention, or association of churches as defined in Section 3121(w)(3)(A) of the Internal Revenue Code and that qualifies as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(5) “Standard fertility preservation services” means oocyte and sperm preservation procedures that are consistent with established medical practices or professional guidelines published by the American Society of Clinical Oncology or the American Society for Reproductive Medicine.

Section 2. This Act shall be known and may be cited as “The Medically Necessary Fertility Preservation Act.”

Section 3. This Act shall become effective on January 1, 2024, and shall apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2024. Any policy, contract, or health coverage plan in effect prior to January 1, 2024, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2025.

Section 4. The provisions of this Act shall not apply to plans offered through the federally-facilitated Health Insurance Marketplace until an appropriation is provided by the legislature.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 300

HOUSE BILL NO. 207

BY REPRESENTATIVES SCHAMERHORN, BACALA, CARRIER,
EDMONSTON, GAINES, GAROFALO, HODGES, HORTON, MIKE
JOHNSON, CHARLES OWEN, AND SEABAUGH
AN ACT

To enact R.S. 14:93.2.4, relative to criminal liability for certain acts of minors; to create the crime of unlawful swimming in certain waterways; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:93.2.4 is hereby enacted to read as follows:

§93.2.4. Unlawful swimming in certain waterways

A. It shall be unlawful for any parent or legal guardian who has care and control of a minor, to permit a minor, either knowingly, wilfully, or through criminal negligence to swim without wearing a Type I, Type II, Type III, or Type V personal flotation device approved by the United States Coast Guard in the portion of any river beginning from a water-controlled structure through which that river flows to a point seventy miles downstream when that structure creates a reservoir used to generate hydroelectric power. The distance provided for in this Subsection shall be measured from the structure along a line drawn downstream in the middle of the river bed.

B.(1) On a first conviction, the parent or legal guardian shall be issued a warning ticket, fined not more than twenty-five dollars, or both.

(2) On a second conviction, the parent or legal guardian shall be fined not more than fifty dollars, imprisoned for not more than seven days, or both.

(3) On a third or subsequent conviction, the parent or legal guardian shall be fined not more than seventy-five dollars nor more than two hundred fifty dollars, imprisoned for not more than thirty days, or both.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 301

HOUSE BILL NO. 213

BY REPRESENTATIVE BRASS
AN ACT

To enact R.S. 44:3.1.1, relative to public records; to exempt certain surveillance and security video in and around buildings owned, operated, or maintained by a public school board or a charter school from the Public Records Law; to provide for policies adopted by school governing authorities to provide for limited retention and viewing of surveillance and security video in and around school property; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:3.1.1 is hereby enacted to read as follows:

§3.1.1. School surveillance and security video; limited retention and viewing policy

A. Except as otherwise provided in this Section, the provisions of this

Chapter shall not apply to any surveillance and security video of the inside of or covering the area immediately surrounding a building owned, operated, or maintained by a public school board or a charter school.

B. The governing authority of each public elementary and secondary school, including charter schools, shall adopt a policy governing all surveillance and security video in and around buildings owned, operated, or maintained by the governing authority. Each policy shall contain provisions for all of the following:

(1) Retaining, storing, and disposing of the recorded video and audio data, including a requirement that the recordings be retained for at least thirty days from the recording date.

(2) Protecting student privacy and for determining to whom and under what circumstances the recordings may be disclosed including limiting viewing of the recordings to the appropriate school officials, law enforcement officials investigating an incident, and, upon request, a bona fide news gathering organization covering an incident, and the parent or legal guardian of a recorded student if there was an incident involving that student.

(3) Procedures regarding how a parent or legal guardian or a bona fide news gathering organization may request to review a recording, and any limitations to a request.

C.(1) For purposes of this Section, the phrase “parent or legal guardian” shall have the same meaning as provided in R.S. 17:3914.

(2) For purposes of this Section, the phrase “bona fide news gathering organization” shall mean:

(a) A newspaper, or news publication, printed or electronic, of current news and intelligence of varied, broad, and general public interest, that has been published for a minimum of one year and that can provide verifiable documentation of membership in a statewide or national press association, as represented by an employee thereof who can provide verifiable documentation of his employment with the newspaper, wire service, or news publication.

(b) A radio broadcast station, television broadcast station, cable television operator, or wire service as represented by an employee thereof who can provide verifiable documentation of his employment.

(3) For purposes of compliance with Subsection B of this Section, the surveillance and security video recordings shall not be considered “personally identifiable information” as defined in R.S. 17:3914.

D. Nothing in this Section shall affect a parent’s or legal guardian’s right to access videos pursuant to R.S. 17:1948.

Section 2. 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.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 302

HOUSE BILL NO. 237

BY REPRESENTATIVES SCHAMERHORN AND FIRMENT
AN ACT

To amend and reenact R.S. 14:402(A), (B), (C), (D)(1) through (5) and (7) through (10), (F), and (G)(1) and (2) and R.S. 15:1352(A)(66), to enact R.S. 14:402(D)(11), (12), (13), and (14) and (H), and to repeal R.S. 14:402(E), relative to contraband; to provide relative to contraband in correctional facilities; to provide relative to introducing contraband into or upon the grounds of any correctional facility; to provide for a definition of correctional facility; to classify certain items as contraband; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:402(A), (B), (C), (D)(1) through (5) and (7) through (10), (F), and (G)(1) and (2) are hereby amended and reenacted and R.S. 14:402(D)(11), (12), (13), and (14) and (H) are hereby enacted to read as follows:

§402. Contraband defined; certain activities regarding contraband in ~~penal institutions~~ correctional facilities prohibited; penalty; disposition of seized contraband

A. No person shall introduce or attempt to introduce contraband into or upon the grounds of any state correctional institution facility.

B. No person shall possess contraband upon the grounds of any state correctional institution facility.

C. No person shall send, or give or attempt to give, contraband to an inmate of ~~contraband from~~ any state correctional institution facility.

D. “Contraband” as used herein means:

(1) Any controlled dangerous substance as defined in R.S. 40:961 et seq., or any other drug or substance that if taken internally, whether separately or in combination with another drug or substance, produces or may produce a hypnotic effect, including nasal inhalators of any variety, sleeping pills, or barbiturates of any variety. The introduction or attempt of introduction by a person of any controlled dangerous substance as defined in R.S. 40:961 et seq., upon the grounds of any state correctional institution facility shall constitute distribution of that controlled dangerous substance and shall be subject to the penalties provided in R.S. 40:961 et seq. The provisions of this

Paragraph shall not apply to a drug or substance that has been prescribed by a physician, if the drug or substance is in a container issued by the pharmacy or other place of dispensation, the container identifies the prescription number, prescribing physician, and issuing pharmacist or other person, and the container is not concealed upon the body of the person.

(2) A dangerous weapon, or other instrumentality customarily used or intended for probable use as a dangerous weapon or to aid in an escape, unless authorized by the warden of the ~~institution facility or his designee~~.

(3) Explosives or combustibles, unless authorized by the warden of the ~~institution facility or his designee~~.

(4) Plans for the making or manufacturing of a dangerous weapon or other instrumentality customarily used or intended for probable use as a dangerous weapon or to aid in an escape, or for the making or manufacturing of explosives or combustibles, or for an escape from ~~an institution a facility, unless authorized by the warden of the institution facility or his designee~~.

(5) An alcoholic beverage or other beverage which produces or may produce an intoxicating effect, unless authorized by the warden of the ~~institution facility or his designee~~ for employee residential housing areas. However, employee residential housing areas shall not include bachelor officer quarters located within the secure perimeter of the ~~institution facility~~. A reasonably small amount of sacramental wine ~~shall may~~ be permitted by the ~~warden or his designee~~ to be brought onto the grounds of a state correctional ~~institution facility~~ for use by a clergy member only, as part of a religious service.

* * *

(7) Any currency or coin, unless authorized by the warden of the ~~institution facility or his designee~~.

(8) Any article of food, toiletries, or clothing, unless authorized by the warden of the ~~institution facility or his designee~~.

(9) Any telecommunications equipment or component hardware, including but not limited to cellular phones, pagers, beepers, global satellite system equipment, subscriber identity module (SIM) cards, portable memory chips, batteries, and chargers, whether or not such equipment may be intended for use in planning or aiding an escape or attempt to escape from any ~~institution facility~~, unless authorized by the warden of the ~~institution facility or his designee~~.

(10) Any sketch, painting, drawing or other pictorial rendering produced in whole or in part by a capital offender, unless authorized by the warden of the ~~institution facility or his designee~~.

(11) Any tobacco product as defined in R.S. 14:91.6, unless authorized by the warden of the facility or his designee.

(12) Any equipment, whether professionally made or homemade, intended for use in tattooing.

(13) Any electronic device including but not limited to computers, telephoto equipment, communications equipment, whether modified or not.

(14) Any hypodermic syringe, needle, or other object used or intended for use, or designed for use in injecting controlled dangerous substances into the human body.

* * *

F. Any contraband which is seized may be destroyed, donated to a charitable organization, or put to lawful use within the ~~institution facility~~, unless it is needed as evidence in a criminal prosecution. However, any money seized which is legal tender shall be placed in a fund at the ~~institution facility~~ at which the money was seized to be used solely for the purchase of contraband detection and escape chase team equipment. A record of the disposition of all contraband shall be maintained.

G.(1) Whoever violates any provision of this Section shall be fined not less than five hundred dollars and not more than ten thousand dollars and shall be imprisoned with or without hard labor for not more than ten years. Notwithstanding any other law to the contrary, whoever introduces or attempts to introduce contraband as defined in Paragraph (D)(1) of this Section, upon the grounds of any state correctional institution, ~~or Paragraph (E)(5) of this Section, upon the grounds of any municipal or parish prison or jail, facility~~ shall be punished in accordance with the penalties for the distribution of the controlled dangerous substance provided in R.S. 40:961 et seq.

(2) If the person who violates any provision of this Section is incarcerated in the ~~state correctional institution or the municipal or parish prison or jail facility~~ in which the contraband is introduced, possessed, or sent from, the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served consecutively to the sentence the person was serving at the time the violation of this Section occurred.

* * *

H. For purposes of this Section, “correctional facility” means any jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility.

Section 2. R.S. 15:1352(A)(66) is hereby amended and reenacted to read as follows:

§1352. Definitions

A. As used in this Chapter, “racketeering activity” means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any crime that is punishable under the following provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform Controlled Dangerous Substances Law, or the Louisiana Securities Law:

* * *

(66) R.S. 14:402 (Certain activities regarding contraband in ~~penal institutions~~

correctional facilities prohibited)

* * *

Section 3. R.S. 14:402(E) is hereby repealed in its entirety.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 303

HOUSE BILL NO. 265
BY REPRESENTATIVE FONTENOT
AN ACT

To enact Code of Criminal Procedure Article 234(C)(1)(f) and (g), relative to photo identification of an arrested person; to provide relative to the duty of law enforcement; to provide for the release or dissemination of booking photographs under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 234(C)(1)(f) and (g) are hereby enacted to read as follows:

Art. 234. Booking photographs

* * *

C.(1) No law enforcement officer or agency shall publish, release, or disseminate in any format a booking photograph to the public or to a private person or entity unless any of the following occurs:

* * *

(f) The individual is released on a bail undertaking and the law enforcement officer or agency is requested to release or disseminate the booking photograph to the individual’s surety agent.(g) A law enforcement officer or agency determines that releasing or disseminating the booking photograph is necessary for investigative purposes.

* * *

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 304

HOUSE BILL NO. 276
BY REPRESENTATIVE LANDRY
AN ACT

To amend and reenact R.S. 33:1375 and to repeal R.S. 13:2500(C), relative to penalties for violations of ordinances in New Orleans; to provide relative to penalties for building code violations; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1375 is hereby amended and reenacted to read as follows: §1375. Maximum penalties; city of New Orleans

~~A.(1) Notwithstanding any other provision of law to the contrary Except as otherwise provided by this Section, in the city of New Orleans, the maximum monetary penalty which may be imposed for a first offense violation of any ordinance enacted by the governing authority of the city shall be a fine of five hundred one thousand dollars. For the second or any subsequent offense, the maximum monetary penalty which may be imposed shall be one two thousand dollars.~~

(2) The maximum imprisonment penalty which may be imposed for any violation of an ordinance enacted by the governing authority of the city is six months in jail.

~~B. The maximum penalties established by the provisions of this Section shall not apply to any penalty imposed for a non-moving or parking violation or any other traffic violation, including any violation captured by an automated traffic enforcement system.~~

C. The penalty which may be imposed for each violation of an ordinance prohibiting the dumping of trash, debris, refuse, garbage, other solid and liquid waste, greases, and oils, such as but not limited to cooking oil and fats, motor oil, antifreeze, truck and automotive fluids, paint, paint thinners, and gasoline into drainage culverts, lines, or canals, upon any public place within the parish, upon private property within the parish not owned by the person accused of the violation, upon property owned or controlled by the parish, or in or on the waters within the parish, whether from a vehicle or otherwise, including but not limited to any public highway, public park, beach, campground, forestland, recreational area, trailer park, highway, road, street, or alley, shall not exceed one thousand dollars, or a greater amount if a state statute authorizes a greater penalty for the violation of such an ordinance, or imprisonment in accordance with Paragraph (A)(2) of this Section.

Section 2. R.S. 13:2500(C) is hereby repealed in its entirety.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

ACT No. 305

HOUSE BILL NO. 282

BY REPRESENTATIVES GREEN, BOYD, BRASS, BRYANT, FISHER,
HUGHES, JORDAN, KNOX, LAFLEUR, LANDRY, LARVADAIN, LYONS,
DUSTIN MILLER, MOORE, NEWELL, PIERRE, AND WILLARD
AN ACT

To enact R.S. 17:192(B)(3), relative to school meals; to provide that certain students shall be provided free school breakfast and lunch; to provide for applicability; to require reimbursement by the state Department of Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:192(B)(3) is hereby enacted to read as follows:

§192. Lunches and breakfasts; duty to furnish

* * *

B.

* * *

(3)(a) Notwithstanding any provision of law to the contrary, an eligible student shall be provided breakfast and lunch at no cost to the student.

(b) For purposes of this Paragraph, an eligible student is a student in grades kindergarten through twelve who meets the federal eligibility guidelines for reduced price meals by household size and income levels pursuant to the School Breakfast Program and National School Lunch Program.

(c) For each breakfast or lunch served free of charge in accordance with this Paragraph, the state Department of Education shall reimburse the governing authority of a school nutrition program for each meal served an amount equal to the difference between the reimbursement rates for a free meal and a reduced-priced meal as annually determined by the United States Department of Agriculture.

Section 2. The provisions of R.S. 17:192(B)(3) as enacted by this Act shall apply to the 2023-2024 school year and each subsequent school year.

Section 3.A. The provisions of Sections 1 and 2 of this Act shall become effective when an Act of the Louisiana Legislature containing a specific appropriation of monies for the implementation of the provisions of this Act becomes effective.

B. The provisions of this Section 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, the provisions of this Section shall become effective on the day following such approval.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 306

HOUSE BILL NO. 335

BY REPRESENTATIVE WILFORD CARTER

AN ACT

To amend and reenact R.S. 33:2740.51(D)(1)(introductory paragraph), (d), and (e) and to enact R.S. 33:2740.51(D)(1)(f) and (g) and (3) and 2740.70.3, relative to economic development in certain municipalities; to provide relative to the governance of the Southside Economic Development District of the City of Monroe; to create the North Lake Charles Economic Development District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.51(D)(1)(introductory paragraph), (d), and (e) are hereby amended and reenacted and R.S. 33:2740.51(D)(1)(f) and (g) and (3) and 2740.70.3 are hereby enacted to read as follows:

§2740.51. The Southside Economic Development District of the City of Monroe; creation, composition and powers; preparation of plans

* * *

D.(1) The board of commissioners, hereinafter referred to as “the board”, shall be composed of ~~seven~~ ten members, all of whom shall be qualified voters of the parish of Ouachita. The board membership shall be reflective of the city’s diverse population. The ~~seven~~ ten members shall be appointed as follows:

* * *

(d) Two members shall be appointed by the city council from a list of nominees submitted by the ~~African American Chamber of Commerce Monroe Regional Black Chamber to the council on or before August 1, 2001.~~ The members appointed by the city council as provided in this Subparagraph shall have their principal place of business or profession in, or own property in, the district.

(e) ~~The initial appointments to the board shall be made on or before September 1, 2001.~~ One member shall be appointed by the state senator for District No. 34.

(f) One member shall be appointed by the state representative for District No. 16.

(g) One member shall be appointed by the state representative for District No. 17.

* * *

(3) Members may be removed for cause by a two-thirds vote of the membership of the city council.

* * *

§2740.70.3. North Lake Charles Economic Development District

A.(1) There is hereby created in the city of Lake Charles a body politic and corporate which shall be known as the North Lake Charles Economic Development District, referred to in this Section as the “district”.

(2) The district shall be a special district created pursuant to Article VI, Section 19 of the Constitution of Louisiana and political subdivision of the state as defined in Article VI, Section 44 of the Constitution of Louisiana. The district, acting through its governing board, is hereby granted all of the rights, powers, privileges, and immunities accorded by the laws and the Constitution of Louisiana to political subdivisions of the state, subject to the limitations provided in this Section.

B. The boundaries of the district shall encompass all of the territory included within the following perimeter: Commencing at the point where Kayouche Coulee intersects with English Bayou thence westward along the southern banks of the English Bayou until the English Bayou intersects with the Calcasieu River westward along the southern banks of Calcasieu River to a point on Calcasieu River southern banks where if Kirkman St. were extended northward it would intersect with Calcasieu River thence southward along Kirkman Street to 12th Street thence east along 12th Street to a point where if 12th Street were extended eastward it would intersect with Kayouche Coulee thence northward along Kayouche Coulee to Opelousas Street thence eastward on Opelousas Street to Goodman Road thence northward along Goodman Road to a point where if Goodman Road were extended northward it would intersect with English Bayou thence to the point of commencement.

C.(1) The district shall be governed by a five-member board of commissioners, referred to in this Section as the “board”. The board shall provide for the orderly planning, development, acquisition, construction, and effectuation of the services, improvements, and facilities to be furnished by the district, to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the purposes and development of the district and shall exercise such other powers, duties, and functions as provided in this Section.

(2) The members of the board shall be residents and qualified voters of the district. The board membership shall be reflective of the city’s diverse population. The five members shall be appointed as follows:

(a) The Lake Charles City Council shall appoint one member.

(b) The state representative for the House of Representatives district which encompasses all or the greater portion of the area of the district shall appoint one member.

(c) The state senator for the Senate district which encompasses all or the greater portion of the area of the district shall appoint one member.

(d) The governing authority of Calcasieu Parish shall appoint one member from a list of three names submitted jointly by the members of the governing authority who represent District Nos. 2, 3, 4, and 9.

(e) The mayor of the city of Lake Charles shall appoint one member, subject to the approval of the governing authority of the city.

(3)(a) Members shall serve three-year terms after serving initial terms as provided in this Subparagraph. Two members shall serve three-year initial terms, two members shall serve two-year initial terms, and one member shall serve a one-year initial term as determined by lot at the first meeting of the board.

(b) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled by appointment in the same manner as the original appointment for the unexpired term.

D.(1) As soon as practical after appointment of all members, the board shall meet. The board shall elect from its number a chairman, vice chairman, a secretary, a treasurer, and such other officers as it may deem appropriate.

(2) The minute books and archives of the board shall be maintained by the board’s secretary with the help and assistance of and through the council’s office. The monies, funds, and accounts of the district in the official custody and control of the board’s treasurer shall be deposited, expended, and accounted for, records maintained, and idle funds invested through the department of administration, under the director of administration, and checks issued through the department as in the case of city monies under the plan of government.

(3) The duties of the officers shall be fixed by bylaws adopted by the board. The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business and affairs and, to the extent that funds are available, shall hire such assistants and employees as are needed to assist the board in the performance of its duties. It shall hold regular meetings as shall be provided in the bylaws and may hold special meetings at such time and places within or without the district as may be prescribed in the bylaws.

(4) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available to the public in conformance with law.

(5) The members of the board shall serve without compensation; however, they shall receive a travel allowance as reimbursement for expenses incurred while attending to the business of the board or the district.

E.(1) The board shall prepare or cause to be prepared a plan or plans specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district and shall conduct such public hearings, publish such notice with respect thereto, and disseminate such information as it, in the exercise of its sound discretion, may deem to be appropriate or advisable and in the public interest.

(2) Any plan may specify and encompass any public services, capital improvements, and facilities which the city of Lake Charles is authorized to undertake, furnish, or provide under the constitution and laws of the state of Louisiana, and such specified public services, improvements, and facilities shall be special and in addition to all services, improvements, and facilities which the city of Lake Charles is then furnishing or providing or may then or in the future be obligated to furnish or provide within the district.

(3) Any plan shall include an estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities set forth therein.

(4) The board shall also submit the plan to the city planning commission. The planning commission shall review the plan and determine whether or not it is consistent with the comprehensive plan for the city of Lake Charles. The planning commission, within thirty days following receipt of the plan, shall submit to the Lake Charles City Council its written opinion as to whether or not the plan or any portion or detail thereof is inconsistent with the comprehensive plan for the city, together with its written comments and recommendations with respect thereto.

(5) After receipt of the plan together with the written comments and recommendations of the city planning commission, the Lake Charles City Council shall review and consider the plan together with the written comments and recommendations. The Lake Charles City Council, within thirty days following the receipt of the plan, shall submit a written recommendation to the board as to whether the board should approve the plan. After receipt of the written recommendation, the board shall review and consider the recommendation. The board may adopt or reject any such recommendation.

F.(1)(a) Notwithstanding the provisions of Subsection E of this Section, the board may prepare and submit directly to the Lake Charles City Council a plan or plans setting forth its intention to employ professional consultants, experts, and such other advisors and personnel as it deems necessary or convenient to assist in the preparation of a plan or plans for the orderly and efficient development of services and improvements within the district.

(b) The plan shall specify the services proposed to be rendered by such employees, an estimate of the aggregate of the proposed salaries of such employees, and an estimate of the other expenses of the board required for the preparation of such plan or plans.

(2) The Lake Charles City Council shall review and consider the plan. The Lake Charles City Council, within thirty days following the receipt of the plan, shall submit a written recommendation to the board as to whether the board should approve the plan. After receipt of the written recommendation, the board shall review and consider the recommendation. The board may adopt or reject any such recommendation.

G.(1) All services to be furnished within the district pursuant to any plan finally and conclusively adopted may be furnished, supplied, and administered by the city through its regularly constituted departments, agencies, boards, commissions, and instrumentalities, subject to the approval of the Lake Charles City Council. All capital improvements and facilities to be acquired, constructed, or provided within the district, whether from the proceeds of bonds or otherwise, may likewise be so acquired, constructed, or provided by the city through its regularly constituted departments, agencies, boards, commissions, and instrumentalities, subject to the approval of the Lake Charles City Council, it being the intention hereof to avoid the duplication of administrative and management efforts and expense in the implementation of any plan adopted for the benefit of the district.

(2) In order to provide such services and provide, construct, or acquire such capital improvements or facilities, the board may enter into intergovernmental local service contracts with the city.

H. The district may acquire, lease, insure, and sell immovable property within its boundaries in accordance with its plans.

I. The district, acting by and through its board of commissioners, shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to rights and powers set out in this Subsection:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To acquire by gift, grant, purchase, or lease all property, including servitudes or rights of way; to hold and use any franchise or property, immovable, movable, or mixed, corporeal or incorporeal, or any interest therein, necessary or desirable for carrying out the objectives and purposes of the district, including but not limited to the establishment, maintenance, and operation of industrial or commercial parks.

(4) To receive by gift, grant, or donation any sum of money, or property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.

(5) To enter into contracts for the purchase, acquisition, construction, maintenance, and improvement of works and facilities necessary in connection with the purposes of the district.

(6) To regulate the imposition of fees and rentals charged by the district for its facilities and for services rendered by it.

(7) To mortgage properties constructed or acquired and to borrow money

and pledge all or part of its revenues, leases, rents, or other advantages as security for such loans.

(8) To sell immovable property owned by the commission after legal notice as provided by law for the judicial sale of immovable property.

(9) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(10) To contract, upon such terms as it may agree upon, for legal, financial, engineering, and other professional services necessary or expedient in the conduct of its affairs.

(11) To utilize the services of the executive departments of the state upon mutually agreeable terms and conditions.

(12) To adopt bylaws for the regulation of its affairs and the conduct of its business.

(13) To do any and all things necessary or proper for the government, regulation, development, and control of the business of the board of commissioners.

(14) The district shall have no power of expropriation.

J. (1) In addition to the authority provided to the district by this Section, the district may levy and collect a sales and use tax within the boundaries of the district not to exceed one percent.

(2) The tax shall be imposed by resolution of the board and shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the distribution, and storage for use or consumption of tangible personal property, and upon the sales of services within the boundaries of the district, all as defined in R.S. 47:301 et seq. However, the resolution imposing the tax shall be adopted only after the proposed tax is approved by the Lake Charles City Council and by a majority of the qualified electors voting on the proposition at an election held for that purpose and conducted in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1). The purpose and rate of the tax shall be as provided in the resolution.

(3) Except where inapplicable, the procedure established by R.S. 47:301 et seq. shall be followed in the imposition, collection, and enforcement of the tax, and procedural details necessary to supplement those Sections and to make them applicable to the tax authorized in this Subsection shall be fixed in the resolution imposing the tax.

(4) The tax shall be imposed and collected uniformly throughout the jurisdiction of the district.

(5) The tax levied pursuant to this Subsection shall be in addition to all other taxes other political subdivisions within the jurisdiction of the district are authorized to levy and collect.

(6) The district shall have no other power of taxation, except as provided in this Subsection.

K.(1)(a) In addition to any authority provided to the district by this Section, the district shall have the authority provided to an economic development district by Part II of Chapter 27 of this Title to implement tax increment financing and may issue revenue bonds payable from an irrevocable pledge and dedication of up to the full amount of tax increments available to an economic development district as provided in this Section and in such Part to be derived from any project or projects of the district as provided for in this Section, or parts of such projects, in an amount to be determined as provided for in this Section, in order to finance or refinance any project or projects, or parts thereof, which are consistent with the purposes of the district.

(b) Notwithstanding any provision of law to the contrary, any portion of the tax of any local governmental subdivision or other tax recipient body may be used as a tax increment for tax increment finance purposes only with the consent of such local governmental subdivision or other tax recipient body expressed by ordinance or resolution and upon approval of a majority of the qualified electors of the city of Lake Charles voting at an election held for that purpose and conducted in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1).

(2) For purposes of the tax increment financing authority derived from Part II of Chapter 27 of this Title which is conferred upon the district by this Section, and only for purposes of this Section, "local governmental subdivision" as defined in such Part shall include the parish of Calcasieu and all political subdivisions within the parish.

(3) For purposes of this Section, a tax increment shall consist of that portion of any tax, excluding a hotel occupancy tax, levied within the district by a local governmental subdivision or other tax recipient body determined and pledged in the manner provided for in Part II of Chapter 27 of this Title. However, if the proceeds of any tax have been expressly dedicated to another purpose set forth in a proposition approved by the electorate of such local governmental subdivision or other tax recipient body, then the tax proceeds shall not be used as a tax increment until a proposition which authorizes such use is submitted to and approved by such electorate.

(4) Notwithstanding any other provision of law to the contrary, the district shall not levy a hotel occupancy tax within the boundaries of the district. In addition, the district shall not issue revenue bonds payable from an irrevocable pledge and dedication of hotel occupancy tax increments.

L. The district shall dissolve and cease to exist one year after the date all bonds, notes, and other evidences of indebtedness of the district, including refunding bonds, are paid in full as to both principal and interest; however, in no event shall the district have an existence of less than three years from the effective date of this Section.

M. This Section, being necessary for the welfare of the city and its residents,

shall be liberally construed to effect the purposes thereof.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 307

**HOUSE BILL NO. 344
BY REPRESENTATIVE SELTERS
AN ACT**

To enact R.S. 33:4886, relative to parishes and municipalities; to provide relative to permits required by parishes and municipalities; to prohibit any parish or municipality from requiring a permit for certain services provided by an authorized utility provider; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4886 is hereby enacted to read as follows:

§4886. Permits; certain utility services; parishes and municipalities
Notwithstanding any other provision of law to the contrary, no parish governing authority or municipal governing authority shall require any person who holds an account with an authorized utility provider and whose account is being charged by any such provider for electric services provided to a dwelling located in the state of Louisiana to acquire a permit from the respective parish or municipal governing authority in which the dwelling is located for the purpose of changing the name of the person listed as the account holder. Nothing in this Paragraph shall prohibit regulatory inspection or enforcement regarding on-site sewerage disposal systems, nor shall it prohibit a parish or municipal governing authority from collecting past due utility debt.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 308

**HOUSE BILL NO. 361
BY REPRESENTATIVES DESHOTEL, GAROFALO, AND CHARLES OWEN
AND SENATOR CATHEY
AN ACT**

To enact Chapter 25-A of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 42:1471 through 1474, relative to public officers and employees; to provide for policies prohibiting the use of certain applications on computers, devices, and networks owned or leased by the state; to provide for definitions; to provide for duties of the office of technology services; to provide for approval by the Joint Legislative Committee on Technology and Cybersecurity; to provide for duties of certain agency heads; to provide for penalties; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 25-A of Title 42 of the Louisiana Revised Statutes of 1950, comprised of R.S. 42:1471 through 1474, is hereby enacted to read as follows:

CHAPTER 25-A. PROHIBITED USE OF PUBLIC COMPUTERS AND NETWORKS

§1471. Definitions

Unless the context clearly indicates otherwise, the following words and terms, when used in this Chapter, shall have the following meanings:

(1) "Agency" means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity.

(2) "Agency head" means the chief executive or administrative officer of an agency or the chairman of a board or commission.

(3) "Covered application" means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

(4) "Governmental entity" means the state or any political subdivision.

(5) "Public servant" means anyone who is:

(a) An elected official or an administrative officer or official of a governmental entity.

(b) Appointed to a post or position created by rule, law, resolution, ordinance, charter, or executive order.

(c) Employed by an agency, officer, or official of a governmental entity.

§1472. Prohibited use of state computers and networks

(1) The office of technology services shall develop a policy, subject to the approval of the Joint Legislative Committee on Technology and Cybersecurity, to prohibit the use of any covered application on any computer, device, or network owned or leased by the state.

(2) The office of technology services shall notify the agency head of each executive branch agency of the policy developed and approved pursuant to this Subsection when the office becomes aware that the agency is in possession of a computer, device, or network owned or leased by the state and shall make the policy available to any agency upon request by the agency.

(3) The agency head of an executive branch agency using a computer, device, or network owned or leased by the state shall ensure that the agency properly implements the policy developed pursuant to this Subsection.

* As it appears in the enrolled bill

B. The supreme court shall develop and implement a policy to prohibit the use of any covered application on any computer, device, or network owned or leased by the state and used by a judicial branch agency. The policy shall be substantially similar to the policy adopted and approved pursuant to Subsection A of this Section.

C. The Joint Legislative Committee on Technology and Cybersecurity shall develop a policy to prohibit the use of any covered application on any computer, device, or network owned or leased by the state and used by a legislative branch agency. The policy shall be substantially similar to the policy adopted and approved pursuant to Subsection A of this Section. The Legislative Budgetary Control Council shall oversee the implementation of the policy.

D. Any policy developed pursuant to this Section shall not prohibit a public servant from any of the following:

(1) Unrestricted access to a covered application for a legitimate scientific, educational, or law enforcement purpose as determined and approved by the public servant's agency prior to the public servant's access to the covered application.

(2) Unfiltered or unrestricted access to a covered application on a computer, device, or network that is not owned or leased by the state, provided the public servant does not use the computer, device, or network to access a covered application in the course and scope of his public service.

§1473. Penalties

An agency head who fails to properly implement a policy developed and approved pursuant to this Chapter shall be subject to a civil penalty not to exceed five hundred dollars per violation. The agency head shall be personally liable for the payment of the penalty. The civil penalty may be recovered by the state in a civil action instituted by the attorney general.

§1474. Exceptions

The provisions of this Chapter shall not apply to networks that are open and available for public access.

Section 2. The office of technology services shall develop the policy provided for in this Act and submit it to the Joint Legislative Committee on Technology and Cybersecurity no later than August 23, 2023.

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.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 309

**HOUSE BILL NO. 376
BY REPRESENTATIVES BOYD, BRASS, CARPENTER, FISHER,
FREEMAN, GLOVER, HUGHES, JEFFERSON, KNOX, LAFLEUR,
LANDRY, LARVADAIN, LYONS, NEWELL, SELTERS, AND WILLARD
AND SENATORS ABRAHAM, BARROW, CARTER, FOIL, KLEINPETER,
AND MIZELL
AN ACT**

To amend and reenact R.S. 46:2136(H) and 2136.2(D) and to enact R.S. 46:2136.2(G), relative to protective orders; to provide for the time in which a protective order is transmitted; to provide for immediate entry of protective orders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2136(H) and 2136.2(D) are hereby amended and reenacted to read as follows and R.S. 46:2136.2(G) is hereby enacted to read as follows:

§2136. Protective orders; content; modification; service

* * *

H. The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the judicial administrator's office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by ~~facsimile~~ transmission or direct electronic input as expeditiously as possible, but no later than the end of the next ~~business~~ calendar day after the order is filed with the clerk of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by ~~facsimile~~ transmission or direct electronic input as expeditiously as possible, but no later than the end of the next ~~business~~ calendar day after the order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order ~~shall be reviewed by the law enforcement agency and shall be reviewed by the law enforcement agency and shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.~~

* * *

§2136.2. Louisiana Protective Order Registry

* * *

D. The clerk of the issuing court shall immediately send a copy of the order or any modification thereof to the Louisiana Protective Order Registry and to the chief law enforcement officer of the parish in which the person or persons

protected by the order reside as expeditiously as possible but no later than by the end of the next business calendar day after the order is filed with the clerk of court. Transmittal of the Uniform Abuse Prevention Order shall be made by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business calendar day after the order is filed with the clerk of court.

G. The judicial administrator's office shall develop policies and procedures that provide for immediate entry of protection orders received by the office to include those received the next calendar day. To avoid delays in entry, the office shall have the authority to authorize agencies to enter protective orders directly into the registry when certain conditions or criteria exist.

Section 2. This Act shall become effective on August 1, 2024.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 310

HOUSE BILL NO. 411

BY REPRESENTATIVES GLOVER, BOYD, BRYANT, COX, FISHER,
GREEN, KNOX, LARVADAIN, MARCELLE, NEWELL, AND PIERRE
AN ACT

To enact R.S. 22:832(C)(7), relative to the insurance premium tax credit; to authorize certain investments by businesses issuing life insurance policies to be eligible for the insurance premium tax credit; to provide for qualifying Louisiana investments; to provide for certain requirements; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:832(C)(7) is hereby enacted to read as follows:

§832. Reduction of tax when certain investments are made in Louisiana

C. For the purposes of this Part, beginning January 1, 2017, "a qualifying Louisiana investment" is hereby defined as:

(7)(a) For purposes of businesses issuing life insurance policies subject to the tax in R.S. 22:842(A), for taxable years beginning on or after January 1, 2024, "a qualifying Louisiana investment" is defined as:

(i) Certificates of deposit issued in Louisiana by any bank, savings and loan association, or savings bank, any of which has a main office or branch in Louisiana, or by a trust company with a main office or branch in Louisiana if the trust company holds funds in trust and invests them in certificates of deposit issued by a bank, savings and loan association, or savings bank with a main office or branch in Louisiana.

(ii) Cash on deposit in an account in Louisiana with any bank, savings and loan association, or savings bank, or a trust company holding funds in trust, any of which has a main office or branch in Louisiana.

(b) An investment shall be considered a qualifying Louisiana investment pursuant to the provisions of this Paragraph only when made by a business that meets all of the following criteria:

(i) Issues life insurance policies.

(ii) Has total admitted assets under three million dollars.

(iii) Is domiciled, licensed, and operating in Louisiana.

(iv) Maintains its primary corporate office in Louisiana and has at least seventy percent of its employees in Louisiana.

(v) Maintains in Louisiana its core business functions, which include but are not limited to the utilization of review services, claim payment processes, customer processes, customer service call centers, enrollment services, information technology services, and provider relations.

Section 2. This Act shall become effective on January 1, 2024.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 311

HOUSE BILL NO. 460

BY REPRESENTATIVE ROBERT OWEN
AN ACT

To amend and reenact R.S. 40:1046(G)(1), (3)(a) through (c) and (e), (6)(a) through (c), and (8), relative to the distribution of marijuana for therapeutic use; to provide relative to permitting and regulation of marijuana pharmacies by the Louisiana Board of Pharmacy; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(G)(1), (3)(a) through (c), and (e), (6)(a) through (c), and (8) are hereby amended and reenacted to read as follows:

§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the Louisiana Board of Pharmacy; production facility licensing; permitting by the Louisiana Department of Health

G.(1)(a) The Louisiana Board of Pharmacy shall develop an annual, nontransferable specialty license for a pharmacy to dispense recommended marijuana for therapeutic use and, except as provided in Paragraph (3) of this Subsection, shall limit the number of licenses granted in the state to no more than ten licenses. The Except as provided in Subparagraph (b) of this Paragraph, the board shall award one license per region as delineated in Paragraph (2) of this Subsection and one additional license to the region with the highest population density as of August 1, 2022, and shall award each license through a competitive process. The board shall consider the status of an applicant as a minority-, woman-, or veteran-owned business as a primary factor in awarding a license.

(b) The transfer of a membership interest in an entity operating a pharmacy licensed by the Louisiana Board of Pharmacy to dispense recommended marijuana for therapeutic use shall be subject to approval of the board in the same manner required for the transfer of a membership interest in any other pharmacy licensed by the board.

(3)(a) After three thousand five hundred active, qualified patients are identified in the prescription monitoring program in a region, the Louisiana Board of Pharmacy shall notify and allow the marijuana pharmacy licensee in that region to open one additional marijuana pharmacy location as a satellite location in that region. For the purposes of this Paragraph, "satellite location" shall mean an additional marijuana pharmacy location operated by a marijuana pharmacy licensee within the licensee's geographic region but physically separate from the location of the originally licensed therapeutic marijuana pharmacy.

(b) If the marijuana pharmacy licensee opens a satellite location pursuant to Subparagraph (a) of this Paragraph and the original location and the satellite location are each found to be serving three thousand five hundred active, qualified patients, After seven thousand active, qualified patients are identified in the prescription monitoring program in a region then the Louisiana Board of Pharmacy shall notify and allow the marijuana pharmacy licensee in that region to open one additional marijuana pharmacy location as a second satellite location in that region.

(c) The licensee shall submit an application to open a satellite location provided for in this Paragraph no later than ninety days after receipt of the notification sent by the Louisiana Board of Pharmacy pursuant to Subparagraph (b) of this Paragraph to inform the licensee of his eligibility to open a satellite location. The satellite location shall be operational within three hundred ten days of the approval of the application by the Louisiana Board of Pharmacy. The Louisiana Board of Pharmacy may grant additional time for the satellite location to become operational due to a circumstance beyond the control of the licensee. If a marijuana pharmacy licensee declines to open a second satellite location pursuant to Subparagraph (a) or (b) of this Paragraph, then the Louisiana Board of Pharmacy may issue, pursuant to the provisions of Paragraph (1) of this Subsection, an additional marijuana pharmacy license in that region to open one marijuana pharmacy location in lieu of the original licensee's second satellite location in that region.

(e) For the purposes of this Paragraph, the active, qualified patient count shall be conducted on or after August 1 of each year and reviewed on a quarterly basis using the preceding twelve-month three-month period of August 1 through July 31.

(6)(a) No marijuana pharmacy shall locate within a fifteen-mile radius of another license holder's marijuana pharmacy.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in a region that encompasses any parish with a population of more than three hundred fifty thousand persons according to the most recent federal decennial census, no marijuana pharmacy shall locate within a ten-mile radius of another license holder's marijuana pharmacy.

(c) Notwithstanding the provisions of Subparagraph (a) Subparagraphs (a) and (b) of this Paragraph, in a region that encompasses any municipality with a population of more than three hundred fifty thousand persons according to the most recent federal decennial census, no marijuana pharmacy shall locate within a five-mile radius of another license holder's marijuana pharmacy.

(8) For purposes of this Subsection, "active, qualified patient" means a patient that who has acquired a therapeutic marijuana product at least once in the preceding twelve-month period of August 1 through July 31.

Section 2. 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.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 312

HOUSE BILL NO. 468

BY REPRESENTATIVES PRESSLY, BAGLEY, BISHOP, BRYANT, DAVIS, FREEMAN, HORTON, LACOMBE, MAGEE, DUSTIN MILLER, CHARLES OWEN, ROBERT OWEN, SCHLEGEL, SELDERS, TURNER, VILLIO, AND ZERINGUE AND SENATORS ROBERT MILLS, MORRIS, AND SMITH
AN ACT

To enact Subpart P of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1260.41 through 1260.48, relative to health insurance; to provide with respect to health insurance issuers and healthcare providers; to provide for definitions; to provide for a documented prior authorization program; to provide for utilization review; to provide for certifications, determinations, and timeframes for notifications; to prohibit a claim denial or recoupment in certain circumstances; to provide for appeals; to provide for effectiveness; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Subpart P of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1260.41 through 1260.48, is hereby enacted to read as follows:

SUBPART P. UTILIZATION REVIEW STANDARDS

§1260.41. Definitions

For purposes of this Subpart, the following terms have the following meanings unless the context clearly indicates otherwise:

(1) “Adverse determination” means a determination by a health insurance issuer or utilization review entity that an admission, availability of care, continued stay, or other healthcare service furnished or proposed to be furnished to an enrollee has been reviewed and, based upon the information provided, does not meet a health insurance issuer’s requirements for medical necessity, appropriateness, healthcare setting, level of care or effectiveness, or is experimental or investigational, and the utilization review for the requested service is therefore denied, reduced, or terminated.

(2) “Ambulatory review” means the same as the term is defined in R.S. 22:2392.

(3) “Certification” means a determination by a health insurance issuer or a utilization review entity that an admission, availability of care, continued stay, or other healthcare service has been reviewed and, based on the information provided, satisfies the health insurance issuer’s requirements for medical necessity, appropriateness, healthcare setting, and level of care and effectiveness, and that payment will be made for that healthcare service provided the patient is an enrollee of the health benefit plan at the time the service is provided.

(4) “Clinical review criteria” means the written policies or screening procedures, drug formularies or lists of covered drugs, determination rules, decision abstracts, clinical protocols, medical protocols, practice guidelines, and any other criteria or rationale used by the health insurance issuer or utilization review entity to determine the necessity and appropriateness of healthcare services.

(5) “Concurrent review” means utilization review conducted during a patient’s hospital stay or course of treatment.

(6) “Healthcare facility” or “facility” means a facility or institution providing healthcare services including but not limited to a hospital or other licensed inpatient center, ambulatory surgical or treatment center, skilled nursing facility, inpatient hospice facility, residential treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other therapeutic health setting. A “healthcare facility” may include a base healthcare facility.

(7) “Healthcare professional” means the same as the term is defined in R.S. 22:2392.

(8) “Healthcare provider” or “provider” means an ambulance service as defined in R.S. 40:1131, a healthcare professional or a healthcare facility, or the agent or assignee of such professional or facility.

(9) “Healthcare services” means services, items, supplies, or drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(10) “Health insurance issuer” means the same as the term is defined in R.S. 22:1019.1. The provisions of this Chapter shall not apply to limited scope dental plans.

(11) “Prior authorization” means a determination by a health insurance issuer or person contracting with a health insurance issuer that healthcare services ordered by the provider for an enrollee are medically necessary and appropriate.

(12) “Retrospective review” means a utilization review of medical necessity that is conducted after services have been provided to an enrollee, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding, or adjudication for payment.

(13) “Utilization review” means a set of formal techniques designed to monitor the use of or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of healthcare services, procedures, or settings. Techniques for application include but are not limited to ambulatory review, second opinion, certification, concurrent review, case management, discharge planning, reviews to determine prior authorization, and retrospective review. “Utilization review” does not include elective requests for clarification of coverage.

(14) “Utilization review entity” means an individual or entity that performs reviews to determine prior authorization for a health insurance issuer. A health insurance issuer or healthcare provider is a utilization review entity if it performs utilization review.

(15) “Urgent condition” means a condition which could immediately and

seriously jeopardize the life or health of the patient or the patient’s ability to attain, maintain, or regain maximum function.

§1260.42. Documented prior authorization program; requirements

A. A health insurance issuer that requires the satisfaction of a utilization review as a condition of payment of a claim submitted by a healthcare provider shall maintain a documented prior authorization program that utilizes evidenced-based clinical review criteria. A health insurance issuer shall include a method for reviewing and updating clinical review criteria in its prior authorization program.

B. If a health insurance issuer utilizes a third-party utilization review entity to perform utilization review, the health insurance issuer is responsible for ensuring that the requirements of this Subpart and applicable rules and regulations are met by the third-party utilization review entity.

C. A health insurance issuer shall ensure that a prior authorization program meets the standards set forth by a national accreditation organization including but not limited to the National Committee for Quality Assurance, the Utilization Review Accreditation Commission, the Joint Commission, or the Accreditation Association for Ambulatory Health Care. A health insurance issuer or utilization review entity shall ensure that the utilization review program utilizes staff who are properly qualified, trained, supervised, and supported by explicit written, current clinical review criteria and review procedures.

D. A health insurance issuer that requires utilization review for any service shall allow healthcare providers to submit a request for utilization review at any time, including outside normal business hours. Within seventy-two hours of receiving an oral or written request of a healthcare provider, a health insurance issuer shall provide to the healthcare provider the specific clinical review criteria used by the health insurance issuer to make its utilization review determination for the specific item or service. A health insurance issuer’s referring of the provider to the specific criteria by electronic means is sufficient to meet the requirements of this Subsection.

E.(1) A health insurance issuer shall maintain a system of documenting information and supporting clinical documentation submitted by healthcare providers seeking utilization review. A health insurance issuer shall maintain this information until the claim has been paid or the claim appeal process has been exhausted unless such information is otherwise required to be retained for a longer period of time by state or federal law or regulation.

(2) A health insurance issuer shall provide a unique confirmation number to a healthcare provider upon receipt from that provider of a request for utilization review. Except as otherwise requested by the healthcare provider in writing, the unique confirmation number shall be communicated through the same medium through which the request for utilization review was made.

(3) Upon request of the provider, a health insurance issuer or a utilization review entity shall remit to the provider written acknowledgment of receipt of each document submitted by a provider during the processing of a utilization review. This acknowledgment may be provided in electronic format.

(4) When information is transmitted telephonically, a health insurance issuer shall provide written acknowledgment of the information communicated by the provider. This acknowledgment may be provided in electronic format.

§1260.43. Single utilization review per episode of care

A health insurance issuer shall not impose any additional utilization review requirement with respect to any surgical procedure or otherwise invasive procedure, nor any item furnished as part of such surgical or invasive procedure, if such procedure or item is furnished during the perioperative period of a procedure and either of the following conditions is met:

(1) Prior authorization was received by the healthcare provider from the health insurance issuer before the surgical procedure or item, as part of such surgical or otherwise invasive procedure, was furnished.

(2) Prior authorization was not required by the health insurance issuer.

§1260.44. Timeframes for determinations; concurrent review; retrospective review; adverse determination

A.(1) A health insurance issuer or utilization review entity shall maintain written procedures for making utilization review determinations and for notifying enrollees and providers acting on behalf of enrollees of its determination, and shall make a utilization review determination as expeditiously as the enrollee’s health condition requires, but in all cases no later than the time periods set forth in this Section.

(2) For purposes of this Section, “enrollee” includes the authorized representative of an enrollee.

B.(1) For any request requiring authorization by the requesting provider as being medically necessary for the treatment or management of an urgent condition a health insurance issuer or utilization review entity shall offer an expedited review by electronic means to the provider requesting prior authorization. When such a request is made by the provider, the health insurance issuer shall electronically communicate its decision to the provider as soon as possible, but not more than two business days from receipt of the request. If additional information is needed and requested for the health insurance issuer or utilization review entity to make its determination, the issuer or entity shall electronically communicate its decision to the provider as soon as possible, but not more than forty-eight hours from receipt of the required additional information.

(2) For any requests from a provider for healthcare services requiring prior authorization for which the health insurance issuer does not receive a request for expedited review, the health insurance issuer shall communicate its decision on the prior authorization request no more than five business days from the receipt of the request. If additional information is needed and

requested for the health insurance issuer to make its determination, the health insurance issuer shall communicate its decision to the provider no more than five business days from receipt of the additional information.

(3) The health insurance issuer shall provide an initial notification of its determination to the provider rendering the service either by telephone or electronically within twenty-four hours of making the determination.

C.(1) For concurrent review determinations, a health insurance issuer or utilization review entity shall make the determination within twenty-four hours of obtaining all necessary information from the provider or facility.

(2) In the case of a determination to certify an extended stay or additional services, the health insurance issuer or utilization review entity shall provide an initial notification of its certification to the provider rendering the service either by telephone or electronically within twenty-four hours of making the concurrent review certification, and shall provide written confirmation to the enrollee and the provider within three business days of making the certification. The health insurance issuer shall include in the initial and written notifications the number of extended days or the next review date, the new total number of days or services approved, and the date of admission or initiation of services.

D. For retrospective review determinations, a health insurance issuer shall make the determination within thirty business days of receiving all necessary information. A health insurance issuer shall provide notice of the determination in writing to the enrollee and provider within three business days of making the retrospective review determination.

E.(1) In the case of an adverse determination, the health insurance issuer shall provide an initial notification to the provider rendering the service either by telephone or electronically within twenty-four hours of making the adverse determination and shall provide written or electronic notification to the enrollee and the provider within three business days of making the adverse determination.

(2) A health insurance issuer shall include in its written or electronic notification of an adverse determination all of the reasons for the determination, including the clinical rationale, and the instructions for initiating an appeal or reconsideration of the determination.

F. For purposes of this Section, “necessary information” includes the results of any face-to-face clinical evaluation or second opinion that may be required. If the request for utilization review from the provider is not accompanied by all necessary information required by the health insurance issuer, the health insurance issuer has one calendar day to inform the provider of the particular additional information necessary to make the determination, and shall allow the provider at least two business days to provide the necessary information to the health insurance issuer. In cases where the provider or an enrollee will not release necessary information, the health insurance issuer may deny certification of an admission, procedure, or service.

G. If a health insurance issuer fails to make a determination within the timeframes set forth in Subsection B of this Section, the health insurance issuer shall not deny a claim based upon a lack of prior authorization.

§1260.45. Documentation

When conducting a utilization review, a health insurance issuer shall do all of the following:

(1) Accept any evidence-based information from a provider that will assist in the utilization review.

(2) Collect only the information necessary to authorize the service and maintain a process for the provider to submit such records.

(3) If medical records are requested, require only the portion of the medical record necessary in that specific case to determine medical necessity or appropriateness of the service to be delivered, including admission or extension of stay, frequency, or duration of service.

(4) Base review determinations on the medical information in the enrollee’s records obtained by the health insurance issuer up to the time of the review determination.

§1260.46. Utilization review; determinations; appeals

A. When a healthcare provider makes a request for a utilization review, the health insurance issuer shall state if its response to the request is to certify or deny the request. If the request is denied, the health insurance issuer shall provide the information required in R.S. 22:1260.44(E).

B. In the denial of a utilization review request, a health insurance issuer shall include the department and credentials of the individual authorized to approve or deny the request, a phone number to contact the authorizing authority, and a notice regarding the enrollee’s right to appeal.

C.(1) If a health insurance issuer denies a request for utilization review and the healthcare provider requests a peer review of the determination to deny, the health insurance issuer shall appoint a licensed healthcare practitioner similar in education and background or a same-or-similar specialist to conduct the peer review with the requesting provider. To be considered a same-or-similar specialist, the reviewing specialist’s training and experience shall meet the following criteria:

(a) Treating the condition.

(b) Treating complications that may result from the service or procedure.

(2) The criteria set forth in Paragraph (1) of this Subsection are sufficient for the specialist to determine if the service or procedure is medically necessary or clinically appropriate. For the purpose of this Subsection, “training and experience” refers to the practitioner’s clinical training and experience.

(3) When the peer review is requested by a physician, the health insurance issuer shall appoint a physician to conduct the review. The health insurance issuer shall notify the physician of its peer review determination within two

* As it appears in the enrolled bill

business days of the date of the peer review.

§1260.47. Prior authorization; denial of claims

A. A health insurance issuer shall not deny any claim subsequently submitted for healthcare services specifically included in a prior authorization unless at least one of the following circumstances applies for each healthcare service denied:

(1) Benefit limitations, such as annual maximums and frequency limitations not applicable at the time of prior authorization, have been reached due to utilization subsequent to the issuance of the prior authorization and the health insurance issuer provides notification to the provider prior to healthcare services being rendered.

(2) The documentation for the claim provided by the provider clearly fails to support the claim as originally certified.

(3) If, subsequent to the issuance of the prior authorization, new services are provided to the enrollee or a change in the enrollee’s condition occurs indicating that the prior authorized service would no longer be considered medically necessary, based on the prevailing standard of care.

(4) If, subsequent to the issuance of the prior authorization, new services are provided to the enrollee or a change in the enrollee’s condition occurs indicating that the prior authorized service would at that time require disapproval in accordance with the terms and conditions for coverage under the enrollee’s plan in effect at the time the prior authorization was certified.

(5) The health insurance issuer’s denial is due to one of the following:

(a) Another payor is responsible for the payment.

(b) The healthcare provider has already been paid for the healthcare services identified on the claim.

(c) The claim was submitted fraudulently or the prior authorization was based in whole or material part on erroneous information provided to the health insurance issuer by the healthcare provider, enrollee, or the enrollee’s representative.

(d) The person receiving the service was not eligible to receive the healthcare service on the date of service and the health insurance issuer did not know and, with the exercise of reasonable care, could not have known of the person’s ineligibility status.

B. A health insurance issuer’s certification of prior authorization is valid for a minimum of three months.

§1260.48. Reviews for fraud, waste or abuse

Nothing in this Subpart shall preclude a health insurance issuer from conducting investigations of possible fraud, waste, or abuse or taking appropriate actions based upon the results of such investigations.

Section 2. This Act shall become effective on January 1, 2024.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 313

HOUSE BILL NO. 505
BY REPRESENTATIVE NEWELL
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Orleans Parish; to provide for property descriptions; to provide for the reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration, notwithstanding any provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have in and to all or any portion of the following described property to the city of New Orleans:

DUNCAN PLAZA AND HEAL GARAGE PARCELS

Three certain parcels or portions of ground, together with all buildings and improvements thereupon, situated in the First Municipal District of the City of New Orleans which are more fully described as follows:

Parcel “A”

A certain portion of ground designated as A in Square 340 bounded by LaSalle, Gravier, S. Liberty, and Perdido Streets, commencing at the intersection of S. Liberty and Gravier Streets and thence measuring 436.10’ along S. Liberty Street, thence at an interior angle of 81°08’40” a distance and front of 199.89’ along the new property line of Perdido Street, thence at an interior angle of 98°50’40” a distance and front of 436.26’ along the new property line of LaSalle Street, thence at an interior angle of 81°03’55” a distance and front of 199.85’ along Gravier Street, to the point of beginning.

Parcel “B”

A certain portion of street area in S. Liberty Street designated as B bounded by Square 340, Gravier Street, Square 333, and Perdido Street, commencing at the intersection of Gravier and S. Liberty Streets and measuring along the front of Square 340 a distance of 436.10’, thence at an interior angle of 98°51’15” a distance of 38.82’ along the new property line of Perdido Street projected, thence at an interior angle of 81°08’45” a distance of 436.03’ along the front of Square 333, thence at an interior angle of 98°56’40” a distance of 38.83’ along the property line of Gravier Street, projected to the point of beginning.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

Parcel “C”
A certain portion of ground designated as C in Square 333 bounded by S. Liberty, Gravier, Loyola, and Perdido Streets, commencing at the intersection of S. Liberty and Gravier Streets, and measuring a distance of 436.03’ along the front of Square 333, thence at an interior angle of 32°26’46” a distance of 469.54’, thence at an interior angle of 66°29’42” a distance of 255.03’ along the property line of Gravier Street to the point of beginning.

All in accordance with survey by C.A. Wethern, Jr., Asst. Survey and Research Engineer, and approved by L.M. Buja, Chief Engineer, Engineering Division, September 10, 1954, bearing Drawing #1/E-la-7872.

Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as may be necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the parties in exchange for consideration proportionate to the appraised value of the property in Section 1 of this Act.

Section 3. If an agreement authorized by this Act is not entered into by August 1, 2026, the provisions of Sections 1 and 2 of this Act are void.

Section 4. 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.

Approved by the Governor, June 13, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 314

HOUSE BILL NO. 506
BY REPRESENTATIVES ADAMS, WILFORD CARTER, CORMIER,
FISHER, GREEN, HUGHES, JEFFERSON, JENKINS, KNOX, LANDRY,
LARVADAIN, LYONS, MARCELLE, NEWELL, PIERRE, SELTERS,
THOMPSON, AND WILLARD
AN ACT

To enact R.S. 36:4(B)(37) and Chapter 3-H of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.151, relative to homelessness; to create the Louisiana Interagency Council on Homelessness within the office of the governor; to provide relative to the membership, governance, and powers and duties of the council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 36:4(B)(37) is hereby enacted to read as follows:
§4. Structure of executive branch of state government
* * *

B.
* * *
(37) Louisiana Interagency Council on Homelessness (R.S. 40:600.151).
* * *

Section 2. Chapter 3-H of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:600.151, is hereby enacted to read as follows:

CHAPTER 3-H. LOUISIANA INTERAGENCY COUNCIL ON HOMELESSNESS
§600.151. Louisiana Interagency Council on Homelessness
A. There is hereby created, within the office of the governor, the Louisiana Interagency Council on Homelessness, referred to in this Chapter as the “council”, for the purpose of developing a statewide plan to end homelessness in Louisiana.

B. The term “homelessness” for the purpose of this Chapter shall have the same meaning as provided in the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (42 U.S.C. 11302).

C. The duties and responsibilities of the council shall include but are not limited to the following:

(1) To develop a statewide plan to end homelessness, which shall include and address the following:

(a) Identification and analysis of the particular challenges and barriers that cause people in Louisiana to become at risk of homelessness, to experience homelessness, and to be unable to return to housing.

(b) Assessment of factors that contribute to episodes and rates of homelessness at the individual, community, and state levels.

(c) Proposed actions and policies to address the challenges, barriers, and factors that contribute to homelessness.

(2) To advise the governor, legislature, and local governments as appropriate on the causes of homelessness in Louisiana.

(3) To submit an annual written report to the governor and the legislature regarding the statewide plan to end homelessness.

D.(1) The membership of the council shall be reflective of all geographic regions of the state and shall be comprised of the following members:

(a) The commissioner of administration or his designee.

(b) The executive director of the Louisiana Housing Corporation or his designee.

(c) The secretary of the Department of Children and Family Services or his

designee.

(d) The state superintendent of education or his designee.

(e) The secretary of the Department of Public Safety and Corrections or his designee.

(f) The secretary of the Department of Health or his designee.

(g) The secretary of the Department of Veterans Affairs or his designee.

(h) One representative from each of the federally recognized continuum of care to end homelessness programs located in Louisiana appointed by the governing board of each continuum of care.

(i) The executive director of the Louisiana Services Network Data Consortium or his designee.

(j) The executive director of the Louisiana Coalition Against Domestic Violence or his designee.

(k) The president of the Louisiana Occupational Therapist Association board of directors or his designee.

(l)(i) The chairmen of the Senate and House Committees on Health and Welfare shall appoint six members. Three members shall be appointed by the senate chairman and three members shall be appointed by the house chairman. The members shall be appointed from a list of nominations submitted jointly by the governing boards of the continuums of care located in Louisiana.

(ii) Each person appointed pursuant to this Subparagraph shall have at least five years of academic or professional expertise in housing or services for people experiencing homelessness with a focus in one or more of the following areas:

(aa) Street outreach.

(bb) Diversion, rapid resolution, or homeless prevention services.

(cc) Emergency shelter.

(dd) Transitional housing.

(ee) Rapid re-housing.

(ff) Permanent supportive housing.

(gg) Behavioral health or substance abuse disorders.

(hh) Homelessness as it relates to actual or perceived sexual orientation, gender identity, or marital status.

(ii) Racial or ethnic disparities in homelessness.

(jj) Veterans homelessness.

(kk) Youth homelessness.

(ll) Chronic homelessness.

(mm) Domestic violence.

(m) The executive director of the Louisiana Housing Corporation shall appoint at least two members with lived experience of homelessness. The members shall be appointed from a list of nominations submitted jointly by the governing boards of the continuums of care located in Louisiana. Each member appointed pursuant to this Subparagraph shall represent as many of the following subpopulations as possible:

(i) Youth aged twenty-four or under.

(ii) Veterans.

(iii) People experiencing or who experienced chronic homelessness.

(iv) People with differing actual or perceived sexual orientation, gender identity, or marital status.

(v) Survivors of domestic violence.

(2) Appointed members shall serve two-year terms. Members are eligible for reappointment. Any designee shall serve at the pleasure of the designating authority.

(3) Members appointed pursuant to Subparagraphs (D)(1)(l) and (m) of this Subsection shall receive a per diem for attendance at council meetings. The per diem shall be paid by the Louisiana Housing Corporation.

(4) The council shall elect a chairman and officers from its membership.

(5) The council shall meet at regularly scheduled intervals and at the call of the chairman.

E. The Louisiana Housing Corporation shall provide support for the council, including staff, facilities, and resources to facilitate remote participation in meetings to the extent authorized by law.

Approved by the Governor, June 13, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 315

HOUSE BILL NO. 526
BY REPRESENTATIVES ZERINGUE, BOURRIAQUE, AND JENKINS AND
SENATOR MILLIGAN
AN ACT

To enact Part VIII of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:220.41 through 220.46, relative to resilience; to provide for definitions; to establish a chief resilience officer; to provide for the purposes and duties of the chief resilience officer; to provide for a statewide resilience report; to establish an Interagency Resilience Coordination Team and provide for its members and meetings; to establish a Louisiana Resilience Task Force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:220.41 through 220.46, is hereby enacted as follows:

PART VIII. RESILIENCE

§220.41. Chief resilience officer; purpose; definition

A. There shall be a chief resilience officer within the office of the governor to perform the functions and duties provided in this Part.

B. The chief resilience officer shall be appointed by the governor, subject to confirmation by the Senate. The chief resilience officer shall be paid a salary fixed by the governor. The chief resilience officer shall serve at the pleasure of and shall report directly to the governor.

C. The governor may assign other personnel to assist the chief resilience officer in the performance of his duties as he deems necessary.

D. For purposes of this Section, “resilience” shall mean a capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimal damage to social well-being, the economy, infrastructure, and the environment.

§220.42. Functions and duties

A. The chief resilience officer shall:

(1) Coordinate and provide strategic direction for governmental resilience initiatives in order to build long-term resilience for a robust, vibrant economic activity and a sustainable natural environment for Louisiana residents.

(2) Provide technical guidance to agencies, as well as local and regional jurisdictions, to integrate statewide resilience goals into future projects, plans, and programs.

(3) Review and reconcile state agency comments on federally sponsored resilience and risk mitigation activities to establish and present an official state position.

(4) Pursue all available federal and private funds consistent with the purposes of this Part.

(5) Coordinate with the Governor’s Office of Homeland Security and Emergency Preparedness for emergency management and disaster response.

B. The chief resilience officer, subject to the approval of the governor, shall:

(1) Coordinate state agency powers, duties, functions, and responsibilities relative to reducing risk and protecting communities, businesses, vital infrastructure, and the environment, including flood risk mitigation and disaster housing.

(2) Coordinate all state departmental budget requests for programs and projects pertaining to resilience and risk mitigation.

(3) Appraise the adequacy of statutory and administrative mechanisms for coordinating the state’s policies and programs at both the intrastate and interstate levels with respect to resilience and risk mitigation.

(4) Appraise the adequacy of federal, regional, state, and local programs to achieve the policies and meet the goals of the state with respect to resilience and risk mitigation.

(5) Coordinate and focus federal involvement in Louisiana with respect to resilience and risk mitigation.

(6) Provide official state recommendations to the legislature and congress with respect to policies, programs, and coordinating mechanisms relative to resilience and risk mitigation.

(7) Assist with the state’s planning efforts including the Coastal Master Plan, the State Hazard Mitigation Plan, and the Statewide Watershed Management Plan, to ensure the incorporation and alignment of the state’s resilience goals and objectives into a unified, proactive, pre-disaster approach to adaptation and long-term resilience.

(8) Represent the resilience and risk mitigation policy of the state at the federal, regional, state, and local levels.

§220.43. Statewide resilience report

A. To coordinate and strengthen efforts to reduce losses from future disasters across the state, the chief resilience officer shall contribute to all statewide planning efforts related to resilience and risk mitigation and shall develop a strategic statewide resilience report to protect the state from multiple threats, prioritizing the risks from inland and coastal flooding. The report shall include but is not limited to the following:

(1) Articulation of the state’s resilience goals and objectives.

(2) Utilization of best available science, including a range of future projections, to identify and implement policies, projects, and programs that achieve the state’s resilience goals and objectives.

(3) Prioritization of agency-identified adaptation actions based on a vulnerability assessment of risks to agency mission areas, assets, services, and populations served from multiple environmental threats.

(4) Descriptions of agency strategic actions.

B. The statewide resilience report shall be updated every year with the latest available science and updated conditions.

C. The office of resilience shall submit the annual statewide resilience report to the legislature and to the David R. Poynter Legislative Research Library in accordance with the provisions of R.S. 24:772 by February fifteenth every year.

§220.44. State agency resilience officers

A.(1) Each department head in the executive branch of state government shall designate at least one person to serve as the department’s resilience officer and shall transmit the name and contact information of each designee to the chief resilience officer and shall notify the chief resilience officer of any change in the name or contact information of a designee within ten days.

(2) Each presiding officer of the legislature shall designate at least one person to serve as the legislature’s resilience officer and shall transmit the name and contact information of each designee to the chief resilience officer and shall notify the chief resilience officer of any change in the name or contact information of a designee within ten days.

(3) The chief justice of the Louisiana Supreme Court shall designate at least one person to serve as the judiciary’s resilience officer and shall transmit the name and contact information of each designee to the chief resilience officer and shall notify the chief resilience officer of any change in the name or contact information of a designee within ten days.

B. The agency resilience officers shall coordinate activities with the chief resilience officer as necessary and shall serve on the Interagency Resilience Coordination Team as provided in R.S. 49:220.45.

§220.45. Interagency Resilience Coordination Team

A. The Interagency Resilience Coordination Team is established to maintain awareness, communication, and alignment with regard to the state’s resilience and risk mitigation needs, progress, and priorities and to oversee development of the statewide resilience report.

B. The team shall be comprised of the resilience officers from each state agency and the chief resilience officer, who shall serve as chair.

C. The team shall meet upon the call of the chair, with a minimum of four meetings annually.

D. The team shall make recommendations to and render assistance and guidance to agencies in the development of strategic plans for resilience.

§220.46. Louisiana Resilience Task Force

A. There is hereby established a Louisiana Resilience Task Force to provide strategic direction to resilience efforts across the state and to make recommendations to the chief resilience officer.

B. The task force shall be composed of the following members:

(1) The chief resilience officer, who shall serve as chair and shall represent the views of the Interagency Resilience Coordination Team.

(2) The director of the Governor’s Office of Homeland Security and Emergency Preparedness or his designee.

(3) The Governor’s Executive Assistant for Coastal Activities or his designee.

(4) The commissioner of the division of administration or his designee.

(5) The commissioner of insurance or his designee.

(6) The secretary of the Department of Transportation and Development or his designee.

(7) The executive director of the Police Jury Association of Louisiana, Inc. or his designee.

(8) The executive director of the Parish Presidents of Louisiana Association or his designee.

(9) The speaker of the House of Representatives or his designee.

(10) The president of the Senate or his designee.

(11) The executive director or his designee of Louisiana Municipal Association.

(12) A member from the Public Service Commission.

(13) The commissioner of higher education or his designee.

(14) The secretary of the Department of Children and Family Services or his designee.

C. The task force shall meet quarterly and at the call of the chairman.

Section 2. The chief resilience officer shall submit the initial statewide resilience report to the legislature and the David R. Poynter Legislative Research Library by February 15, 2024, and the chief resilience officer shall convene the first meeting of the Interagency Resilience Coordination Team no later than October 1, 2023.

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.

Approved by the Governor, June 13, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 316

HOUSE BILL NO. 163
BY REPRESENTATIVE SELDERS
AN ACT

To enact R.S. 33:2476.7, relative to the Baton Rouge municipal fire and police civil service board; to provide relative to the office of board secretary; to provide relative to the qualifications, salary, and benefits of the secretary; to provide relative to supervision of the secretary; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2476.7 is hereby enacted to read as follows:

§2476.7. City of Baton Rouge municipal fire and police civil service board; board secretary

Notwithstanding the provisions of R.S. 33:2476(L)(1), the Baton Rouge municipal fire and police civil service board may fill the office of secretary by employing unclassified personnel whom the board deems qualified. The secretary shall receive compensation and benefits comparable to that of other full-time classified or unclassified personnel employed in similar positions or performing similar job functions. The secretary is solely accountable to the board and serves at the pleasure of the board.

Approved by the Governor, June 9, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 317

**HOUSE BILL NO. 196
BY REPRESENTATIVE BROWN
AN ACT**

To amend and reenact Code of Civil Procedure Article 966(A)(4), (B)(1), (2), and (3), (D)(2), and (G), and to enact Code of Civil Procedure Article 966(B)(5) and (D)(3), relative to motions for summary judgment; to provide for certain procedures at the hearing on a motion for summary judgment; to provide for the filing and consideration of certain documents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 966(A)(4), (B)(1), (2), and (3), (D)(2), and (G) are hereby amended and reenacted and Code of Civil Procedure Article 966(B)(5) and (D)(3) are hereby enacted to read as follows:

Art. 966. Motion for summary judgment; procedure
A.

* * *

(4)(a) The only documents that may be filed or referenced in support of or in opposition to the motion are pleadings, memoranda, affidavits, depositions, answers to interrogatories, certified medical records, certified copies of public documents or public records, certified copies of insurance policies, authentic acts, private acts duly acknowledged, promissory notes and assignments thereof, written stipulations, and admissions. The court may permit documents to be filed in any electronically stored format authorized by court rules or approved by the clerk of the court.

(b) Any document listed in Subsubparagraph (a) of this Subparagraph previously filed into the record of the cause may be specifically referenced and considered in support of or in opposition to a motion for summary judgment by listing with the motion or opposition the document by title and date of filing. The party shall concurrently with the filing of the motion or opposition furnish to the court and the opposing party a copy of the entire document with the pertinent part designated and the filing information.

B. Unless extended by the court and agreed to by all of the parties, a motion for summary judgment shall be filed, opposed, or replied to in accordance with the following provisions:

(1) A Except for any document provided for under Subsubparagraph (A)(4)(b) of this Article, a motion for summary judgment and all documents in support of the motion shall be filed and served on all parties in accordance with Article 1313(A)(4) not less than sixty-five days prior to the trial.

(2) Any Except for any document provided for under Subsubparagraph (A)(4)(b) of this Article, any opposition to the motion and all documents in support of the opposition shall be filed and served in accordance with Article 1313(A)(4) not less than fifteen days prior to the hearing on the motion.

(3) Any reply memorandum shall be filed and served in accordance with Article 1313(A)(4) not less than five days inclusive of legal holidays notwithstanding Article 5059(B)(3) prior to the hearing on the motion. No additional documents may be filed with the reply memorandum.

* * *

(5) Notwithstanding Article 1915(B)(2), the court shall not reconsider or revise the granting of a motion for partial summary judgment on motion of a party who failed to meet the deadlines imposed by this Paragraph, nor shall the court consider any documents filed after those deadlines.

* * *

D.

* * *

(2) The court ~~may shall~~ consider only those documents filed or referenced in support of or in opposition to the motion for summary judgment ~~and shall consider any documents to which no objection is made but shall not consider any document that is excluded pursuant to a timely filed objection.~~ Any objection to a document shall be raised in a timely filed opposition or reply memorandum. The court shall consider all objections prior to rendering judgment. The court shall specifically state on the record or in writing ~~which documents, if any, it held to be inadmissible or declined to consider whether the court sustains or overrules the objections raised.~~

(3) If a timely objection is made to an expert's qualifications or methodologies in support of or in opposition to a motion for summary judgment, any motion in accordance with Article 1425(F) to determine whether the expert is qualified or the expert's methodologies are reliable shall be filed, heard, and decided prior to the hearing on the motion for summary judgment.

* * *

G. When the court ~~grants a motion for summary renders~~ judgment in accordance with the provisions of this Article; that a party or ~~non-party nonparty~~ is not negligent, is not at fault, or did not cause in whole or in part the injury or harm alleged, that party or ~~non-party nonparty~~ shall not be considered in any subsequent allocation of fault. Evidence shall not be admitted at trial to establish the fault of that party or ~~non-party nonparty~~. During the course of the trial, no party or person shall refer directly or indirectly to any such fault, nor shall that party or ~~non-party's nonparty's~~ fault be submitted to the jury or included on the jury verdict form. This

* As it appears in the enrolled bill

Paragraph does not apply if the trial or appellate court's judgment rendered in accordance with this Article is reversed. If the judgment is reversed by an appellate court, the reversal applies to all parties.

* * *

Comments - 2023

(a) Subsubparagraph (A)(4)(a) expands the exclusive list of documents that may be filed and offered in support of or in opposition to a motion for summary judgment to include certified copies of public records and public documents as well as certified copies of insurance policies. Objections to any of the documents listed in Subparagraph (A)(4)(a) or their contents may be raised in a timely filed opposition or reply memorandum. See Subparagraph (D)(2) and Comment (k) (2015) to this Article. Even though affidavits may be filed in accordance with Subsubparagraph (A)(4)(a), objections may be filed if the affidavit does not comply with the requirements of Article 967. Objections may be raised in a timely filed opposition or reply memorandum if the content of any document filed in accordance with Subparagraph (A)(4)(a), including any certified copies of public records or public documents, would not be admissible at the trial on the merits. See *Thompson v. Center for Pediatric and Adolescent Medicine, L.L.C.*, 244 So. 3d 441, 446 (La. App. 1 Cir. 2018). In most cases, a certified copy of an insurance policy should include the declaration page and relevant endorsements.

(b) Subsubparagraph (A)(4)(b) is new and provides that a document listed in Subsubparagraph (A)(4)(a) that was previously filed in the record may be specifically referenced with the motion and opposition by title and date of filing. At the time of the filing of the motion or opposition, the party shall also furnish to the court and opposing party a copy of the entire document, designate the pertinent part of the document, and include the date the document was filed. See Louisiana District Court Rule 9.10. Failure to comply with Subsubparagraph (A)(4)(b) may be grounds for an objection requesting that the court not consider the referenced document. This Subsubparagraph still allows a party to attach to the motion or opposition all documents that are submitted and does not require a party to reference a previously filed document. Subparagraphs (B)(1) and (2) were also revised in accordance with this change.

(c) Subparagraphs (B)(1), (2), and (3) now require that the motion for summary judgment, opposition to the motion, reply memorandum, and all documents filed or referenced in support of or in opposition to the motion for summary judgment be served electronically in accordance with Article 1313(A)(4).

(d) Subparagraph (B)(3) clarifies that legal holidays are included in the calculation of time within which the mover shall file the reply memorandum. Subparagraph (B)(4) continues to apply in this situation. For example, if the hearing on the motion for summary judgment is set on Friday, the fifth day to file the reply memorandum falls on the preceding Sunday. Accordingly, under Subparagraph (B)(4), the mover would have the entirety of the preceding Monday to file the reply memorandum. The court should be aware of this requirement when setting hearings on motions for summary judgment.

(e) Subparagraph (B)(5) is new and would change the result reached by the Louisiana Supreme Court in *Zapata v. Seal*, 330 So. 3d 175 (La. 2021). This Subparagraph is intended only to prohibit a trial court from reconsidering the granting of a partial summary judgment because a document was not timely filed and served with an opposition in accordance with the deadlines imposed by this Article.

(f) Subparagraph (D)(2) was amended to include only slight changes in phraseology. The amendment is not intended to make substantive changes to the law.

(g) Subparagraph (D)(3) sets forth a rule recognizing that if a party timely objects to the expert's opinion attached to either the motion for summary judgment or the opposition and elects to file a motion in accordance with Article 1425(F) questioning the expert's qualifications or methodologies, the court shall set a hearing and decide the Article 1425(F) motion prior to the hearing on the motion for summary judgment. To avoid any possible conflict between the time delays in this Article and Article 1425(F), the court should set appropriate deadlines for the Article 1425(F) hearing in a scheduling or pretrial order.

(h) Paragraph G was amended to codify the holding of the Louisiana Supreme Court in *Amedee v. Aimbridge Hospitality LLC*, 351 So. 3d 321 (La. 2022). A defendant who has filed an opposition to the granting of a motion for summary judgment dismissing a codefendant may appeal the judgment despite the plaintiff's failure to appeal. Paragraph G was also amended to answer the question raised in footnote 1 of the opinion - if summary judgment is granted finding a party not at fault, not negligent, or not to have caused in whole or in part the injury of any harm alleged, and that judgment is subsequently reversed, the fault or contribution of that party is deemed not to have been adjudicated as to any other party, notwithstanding whether any other party has appealed. As a result of the reversal, the previously dismissed defendant is returned as a party to the case for all purposes and as to all parties. The final judgment of the appellate court reversing the granting of a motion for summary judgment as to one party applies to all parties, including a plaintiff who has failed to appeal.

Approved by the Governor, June 9, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 318

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

HOUSE BILL NO. 353
BY REPRESENTATIVES MARCELLE AND KNOX
AN ACT

To amend and reenact R.S. 17:226(A)(1), 271.1(B)(2), 282.4(C)(1)(d) and (F), and 404(A) and to enact R.S. 17:271.1(B)(5) and 437.2(F) and R.S. 40:31.3(B)(6), relative to student behavioral and mental health; to provide relative to exemptions from compulsory attendance requirements for behavioral and mental health reasons; to provide relative to required instruction on mental health; to provide relative to programs on suicide prevention and substance abuse prevention; to require the state Department of Education to develop and administer a pilot program for implementing certain screenings; to require the registration of school health centers with the office of public health; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:226(A)(1), 271.1(B)(2), 282.4(C)(1)(d) and (F), and 404(A) are hereby amended and reenacted and R.S. 17:271.1(B)(5) and 437.2(F) are hereby enacted to read as follows:

§226. Exemptions from compulsory attendance

A. The following classes of children provided for in this Section shall be exempted from the provisions of this Subpart:

(1)(a) Children mentally, physically, or emotionally incapacitated to perform school duties, and children unable to profit from further school experience, such exemptions to be certified in writing by a psychiatrist, psychologist, recognized evaluation center or clinic, or other professionally qualified person or agency designated by the city, parish, or other local public school board.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a student may be absent for up to three days in any school year related to the student's mental or behavioral health, and such absences shall be excused if certification is provided in writing in accordance with the student handbook. The student shall be given the opportunity to make up any school work missed during such absences. Following the second day of absence in any school year, the student shall be referred to the appropriate school support personnel for help addressing the underlying issue, which may include referral to medical services outside of the school setting.

§271.1. Mental health; required instruction

B. The instruction shall include, at minimum, information on the following:

(2) The relationship and the difference between mental health and physical health.

(5) The management of stress and anxiety.

§282.4. Youth suicide prevention programs; student safety and violence and social isolation prevention training; policies; intent; rules; services; funding

C. Any city, parish, or other local public school system offering a youth suicide prevention program established pursuant to this Section shall do so in accordance with such rules and regulations adopted by the state board and shall report its participation to the state Department of Education. The department shall designate such a school as a Suicide Prevention Certified School and maintain an updated list of such schools on its website. A youth suicide prevention program may include but shall not be limited to the following:

(1) Classroom instruction, via in-person, video, or a combination of in-person and video training, integrated into the curricula designed to achieve any of the following objectives:

(d) Inform students of the available community youth suicide prevention services and post information about these services on the school system's website.

F.(1) ~~Beginning not later than the 2020-2021 school year, the governing authority of each~~ Each public and approved nonpublic secondary school ~~that issues student identification cards shall post on its website have printed on the cards~~ the following information:

(4) (a) The National Suicide Prevention Lifeline hotline number.

(2) (b) A local suicide prevention hotline number, if available.

(2) The governing authority of each public and approved nonpublic secondary school that issues student identification cards shall have printed on the cards the information provided in Subparagraphs (1)(a) and (b) of this Subsection.

§404. Establishment of programs of substance abuse

A. Each city and parish school board shall establish and maintain in every school such grade appropriate programs of alcohol, drug, and substance abuse prevention, education, information, and counseling as are developed by the section on drug free schools and communities, and approved by the State Board of Elementary and Secondary Education for inclusion in the school program as required in Subsection B of this Section. The programs shall include providing the website and phone number of at least one national organization specializing in substance abuse for adolescents. Each school board shall also post this contact information on its website.

§437.2. Adverse childhood experience education; in-service training; pilot program

F.(1) The state Department of Education shall develop and administer a pilot program for the purpose of trauma-informed mental health screening for students and mental health and behavioral issues and providing related services with respect to mental and behavioral health.

(2) The department shall select three school systems to participate in the pilot program.

(3) In developing and administering the program, the department shall consult with experts in the fields of mental health, behavioral health, and trauma-informed restorative services.

Section 2. R.S. 40:31.3(B)(6) is hereby enacted to read as follows:

§31.3. Adolescent school health initiative; health centers in schools

B. The office of public health shall:

(6) Require that centers be registered with the office of public health.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 319

HOUSE BILL NO. 409
BY REPRESENTATIVE EDMONDS
AN ACT

To amend and reenact R.S. 33:4161.1, relative to stormwater management; to authorize parishes and municipalities to create stormwater management utility districts; to provide relative to the purpose, boundaries, governance, and powers and duties of the districts; to provide for the funding of any such district; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4161.1 is hereby amended and reenacted to read as follows:
~~§4161.1. Stormwater utility systems; political subdivisions management utility districts; parishes and municipalities~~

~~A. For the purpose of managing stormwater flooding, including abatement of litter and other flood-causing sediments, a political subdivision may create one or more stormwater utility systems and adopt stormwater utility fees sufficient to plan, construct, acquire, extend, improve, operate, and maintain stormwater management systems, either within or without its boundaries. Any stormwater utility system created pursuant to this Section shall be a revenue-producing public utility pursuant to R.S. 33:4161 and shall have all the rights, powers, and privileges granted to such utilities by this Part and any other applicable provisions of law. The governing authority of any parish or municipality may create, by ordinance, a stormwater management utility district, referred to in this Section as the "district", for the purpose of managing stormwater flooding, including abatement of litter and other flood-causing sediments. Any such district shall be a political subdivision of the state as defined in the Constitution of Louisiana. The boundaries of the district shall encompass all of the territory of the respective parish or municipality. The governing authority of the respective parish or municipality shall be the governing authority of the district, referred to in this Section as the "board".~~

~~B. Any district created pursuant to this Section may create and operate one or more stormwater management utility systems within the boundaries of the respective district. Any such system shall be a revenue-producing public utility and shall have all the rights, powers, and privileges granted to any such utility pursuant to this Chapter and any other applicable provisions of law.~~

~~C.(1) Any district created pursuant to this Section may, by duly adopted resolution of the board, levy fees within the boundaries of the district to aid in the planning, construction, acquisition, extension, improvement, operation, and maintenance of stormwater management utility systems.~~

~~(2)(a) The fees authorized in this Section shall be imposed by resolution of the board. However, any resolution imposing fees shall be adopted only after a proposition authorizing the levy of such fees has been approved by a majority of the electors of the district voting at an election held for that purpose in accordance with the Louisiana Election Code. The purpose, term, and amount of the fees shall be as provided in the resolution.~~

~~(b) The board may provide in the resolution necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the fees.~~

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 320

SENATE BILL NO. 33
BY SENATORS WHITE, ABRAHAM, BOUDREAUX, HARRIS AND

MILLIGAN AND REPRESENTATIVES ADAMS, BACALA, BAGLEY, BEAULLIEU, BOURRIQUE, BOYD, BRASS, BROWN, BUTLER, CARRIER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, COX, DAVIS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FISHER, FONTENOT, FREEMAN, GADBERRY, GAROFALO, GLOVER, GREEN, HARRIS, HILFERTY, HORTON, HUGHES, ILLG, IVEY, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JORDAN, KERNER, KNOX, LACOMBE, LAFLEUR, LARVADAIN, LYONS, MARCELLE, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, NEWELL, ORGERON, CHARLES OWEN, ROBERT OWEN, PIERRE, PRESSLY, RISER, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH, SELDERS, ST. BLANC, STAGNI, STEFANSKI, THOMPSON, TURNER, VILLIO, WHEAT, WHITE AND ZERINGUE

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

To amend and reenact R.S. 13:2591(A)(1), R.S. 40:1666.1(A)(1), (4)(a), and (6)(a), 1667.1(A)(1) and (2)(a), 1667.7(B) and (G), and 1667.9, relative to supplemental pay for firemen, police officers, law enforcement officers of certain state agencies and political subdivisions, deputy sheriffs, and full-time deputy sheriffs employed as field representatives or process servers, justices of the peace, constables, harbor police, bridge police, fireboat employees, and certain tribal officers and firemen; to provide for extra compensation for commissioned law enforcement officers employed by a public institution of higher education; to provide certain constables and marshals as provided by law; to provide for extra compensation for certain harbor police officers, fireboat operators, certain tribal officers, and bridge police officers employed by the state; to provide for extra compensation for certain tribal firemen; to provide for extra compensation for certain fire protection officers with the Plaquemines Port Harbor and Terminal District; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2591(A)(1) is hereby amended and reenacted to read as follows:

§2591. Amount of additional salary for justices of the peace and constables; payment of expenses at the Justice of the Peace Training Course

A.(1) Every justice of the peace and every constable for each justice of the peace court in the state shall be paid by the state an additional salary equal to the amount paid justices of the peace and constables by their respective parishes, in no event to exceed one hundred ~~twenty~~ dollars per month, provided funds are available and appropriated by the legislature.

* * *

Section 2. R.S. 40:1666.1(A)(1), (4)(a), and (6)(a), 1667.1(A)(1) and (2)(a), 1667.7(B) and (G), and 1667.9 are hereby amended and reenacted to read as follows:

§1666.1. Extra compensation

A.(1) In addition to the compensation now paid by any municipality, parish, fire protection district, or other political subdivision maintaining a fire department, or by the Chitimacha Tribe of Louisiana or the Coushatta Tribe of Louisiana, hereinafter referred to as “tribe”, or by any nonprofit corporation contracting with any such political subdivision to provide fire protection services to every paid, regularly employed employee who is paid not less than three hundred dollars per month, not including supplemental pay, as distinguished from part-time employees and volunteers of such fire department, who are carried on the payroll of such fire department, and every employee as defined herein who is paid from funds of the parish or municipality or tribe obtained through lawfully adopted bond issues, lawfully assessed taxes, or other funds available for such purpose, either directly or through a board or commission set up by law or ordinance of the parish or municipality or tribe, shall be paid extra compensation by the state in the amount of ~~five~~ **six** hundred dollars per month for each such paid employee who has completed or who hereafter completes one year of service. The provisions of Paragraph (5) of this Subsection shall govern the requirements for length of service for employees who were ordered to active military duty in the armed services of the United States during their initial term of employment.

* * *

(4)(a) Every fire protection officer who is employed on a full-time basis by a port authority headquartered in the city of New Orleans shall be paid by the state extra compensation in the amount of ~~five~~ **six** hundred dollars per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing such fire protection officers. To be eligible for the extra compensation, each such fire protection officer shall have completed one year of service, and any such fire protection officer hired after March 31, 1986, shall also have completed and passed a certified fireman's training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a firefighter's training program as approved by the office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq., or other state or federally approved maritime firefighter training program.

* * *

(6)(a) Every fire protection officer who is employed on a full-time basis by the Plaquemines Port Harbor and Terminal District shall be paid by the state extra compensation in the amount of ~~five~~ **six** hundred dollars per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing the fire protection

officers. To be eligible for the extra compensation, each fire protection officer shall have completed one year of service, and any fire protection officer hired after March 31, 1986, shall also have completed and passed a certified fireman's training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a firefighter's training program as approved by the office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq., or other state or federally approved maritime firefighter training program.

* * *

§1667.1. Rate of compensation; prior service; supplemental monthly compensation; police to receive additional compensation

A.(1) In addition to the compensation now paid by any municipality included in this Part or by the Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, or the Tunica-Biloxi Tribe of Louisiana, hereinafter referred to as “tribe” or “tribal”, to any police officer, every police officer employed by any municipality or tribe which employs one or more police officers who devotes his full working time to law enforcement, and for those hired after March 31, 1986, who have completed and passed a council-certified training program as provided in R.S. 40:2405, shall be paid by the state extra compensation in the amount of ~~five~~ **six** hundred dollars per month for each full-time municipal or tribal law enforcement officer who has completed or who hereafter completes one year of service.

(2)(a) Every sworn, commissioned law enforcement officer employed on a full-time basis by a bona fide police agency of the state or its political subdivisions, other than the Department of Public Safety and Corrections and the Department of Wildlife and Fisheries, and headquartered in the city of New Orleans, and who serves the welfare of the public in the capacity of a police officer by providing police services to the general public through effecting arrests, issuing citations, and serving warrants while patrolling levees, waterways, and riverfront areas, or while patrolling bridges that are within the boundaries of the city of New Orleans shall be paid by the state extra compensation in the amount of ~~five~~ **six** hundred dollars per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing such officers. To be eligible for the extra compensation, each such law enforcement officer shall have completed one year of service, and any such law enforcement officer hired after March 31, 1986, shall also have completed and passed a council-certified training program, as provided in R.S. 40:2405.

* * *

§1667.7. Extra compensation for commissioned full-time deputy sheriffs of all parishes

* * *

B. Out of the funds appropriated by the legislature for the payment of the extra compensation provided by Subsection A of this Section, there shall be distributed to the sheriff of each parish monthly to pay additional compensation for full-time commissioned deputy sheriffs, and for those hired after March 31, 1986, who have completed and passed a council-approved training program as provided in R.S. 40:2405 and who are paid a salary of not less than three hundred fifty dollars per month, the amount of ~~five~~ **six** hundred dollars per month for each full-time commissioned deputy sheriff at the completion of one year of service.

* * *

G. Notwithstanding the provisions of Subsections A and B of this Section, any full-time deputy sheriff employed as a field representative or process server and who is paid a salary of not less than three hundred fifty dollars per month shall be entitled to receive extra compensation in the amount of ~~five~~ **six** hundred dollars per month at the completion of one year of service. However, to be eligible for such extra compensation, a field representative or process server shall have completed and passed a council-approved training program as provided in R.S. 40:2405.

* * *

§1667.9. Extra compensation for commissioned full-time harbor police, fireboat personnel, and bridge police

In addition to the compensation now paid to any harbor police officer, fireboat operator, and bridge police officer, every harbor police officer, fireboat employee, and bridge police officer who is a full-time employee and who is paid a salary of not less than eight hundred dollars per month and who has completed and passed a post-certified training program as provided in R.S. 40:2405 and who has completed or who hereafter completes one year of service shall be paid by the state extra compensation in the amount of ~~five~~ **six** hundred dollars per month. The provisions of this Section shall only apply to employees of a political subdivision of the state.

Section 3. The legislative auditor is hereby directed to examine, investigate, and audit the state's payment to eligible persons who receive state supplemental pay in accordance with R.S. 13:2591 and R.S. 40:1666.1, 1667.1, 1667.7, and 1667.9. In his examination, the legislative auditor shall examine the original purpose of the Louisiana Legislature's enactment of the statutes regarding state supplemental pay and determine whether current payments have deviated from the original purpose and whether current payments are made in accordance with law. The legislative auditor shall recommend modifications to the state supplemental pay program based upon the audit, report the impact on the state budget if changes are enacted, and submit such report to the House Committee on Appropriations and the Senate Committee on Finance no later than February 1, 2024.

Section 4. This Act shall become effective on July 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

effective on the day following such approval by the legislature or July 1, 2023, whichever is later.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 321

SENATE BILL NO. 44

BY SENATOR POPE

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

AN ACT

To amend and reenact the introductory paragraph of R.S. 47:820.5.9(B), 820.5.9(B)(1), (D), and (E) and R.S. 48:345, relative to DOTD; to provide for the designation of high-occupancy vehicle (HOV) lanes on highways in the state highway system; to provide relative to high-occupancy vehicle (HOV) lane violations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 47:820.5.9(B), 820.5.9(B)(1),(D), and (E) are hereby amended and reenacted to read as follows:

§820.5.9. High-occupancy vehicle (HOV) lane violations

* * *

B. Terms as defined in R.S. 48:345 and R.S. 32:1 shall retain their definitions, unless ~~such the term or terms~~ are specifically defined in this Subsection. ~~As used in this Section, unless the context or the context of this Section indicates otherwise, the following~~ **The terms listed** shall have the following meanings:

(1) “Department” means the Department of Transportation and Development **or its designated agent**.

* * *

D. The department may establish ~~permitting~~ requirements for ~~motor vehicles on to use~~ one or more designated HOV lanes, including **but not limited to** registration of the HOV ~~with the department~~, prior to using an HOV lane. A motor vehicle that has not fulfilled the ~~applicable permitting~~ requirements established by the department shall not be considered a qualified HOV.

E. ~~Where a record generated by an HOV monitoring system shows an HOV violation by a motor vehicle, the vehicle’s registered owner shall be liable to make payment to the department of the applicable penalty and administrative fee of twenty-five dollars to recover the cost of collecting the penalty subject to the provisions of this Section.~~ **In the event a record is generated by an HOV monitoring system showing an HOV violation by a vehicle, the vehicle’s registered owner is subject to the following:**

(1) The vehicle’s owner shall be liable to make payment to the department of the applicable penalty, unless the violation clerk waives the penalty pursuant to Subsection H of this Section.

(2) The vehicle’s owner shall be liable to make payment to the department of an administrative fee up to twenty-five dollars to recover all costs associated with mailing, provided that a notice, as specified in Subsection I(1) of this Section, has been mailed.

* * *

Section 2. R.S. 48:345 is hereby amended and reacted to read as follows:

§345. Designation of a high-occupancy vehicle (HOV) lane on highways in the state highway system; penalty

A. The secretary or his designee may designate high-occupancy vehicle (HOV) lanes on any highway in the state highway system where adequate shoulders exist and may restrict the use thereof to vehicular traffic classified as a “high-occupancy vehicle (HOV)” to the extent he thinks it expedient ~~that, in his judgment, is appropriate to provide travel time savings and to increase the total number of people moved through a highway corridor with high levels of travel demand and traffic congestion.~~ Nothing in this Section authorizes the secretary or his designee to designate an existing roadway or travel lane as a high-occupancy vehicle (HOV) lane.

B. ~~For the purpose of this Section, the following words and phrases shall have the meaning respectively ascribed to them: Terms as defined in R.S. 32:1 and R.S. 47:820.5.9 shall retain their definitions, unless the term or terms are specifically defined in this Subsection. Unless the context dictates otherwise, when used in this Section the following terms shall have the following meanings:~~

~~(1)(a) “High-occupancy vehicle (HOV)” means a passenger car, pickup truck, van, recreational vehicle, or a bus or other motorized passenger vehicle used for transporting persons such as a carpool or a vanpool vehicle used for ridesharing purposes and occupied by a driver and one or more passengers. A truck, tandem truck, tractor, truck tractor, combination of vehicles, or commercial motor vehicle carrying or transporting freight, merchandise, or other property shall not be a high-occupancy vehicle. is defined as follows:~~

~~(i) A bus or school bus.~~

~~(ii) A passenger car, pickup truck, van, recreational vehicle, or other motorized passenger vehicle, provided the vehicle has a driver and at least one passenger or more, if so provided by rule for the HOV lane being utilized, and is a qualified HOV as defined in R.S. 47:820.5.9(B)(6).~~

~~(b) A truck or tandem truck, tractor, truck tractor, combination of vehicles, or commercial motor vehicle, carrying or transporting freight, merchandise, or other property shall not be a high-occupancy vehicle.~~

~~(2) “High-occupancy vehicle (HOV) lane” means one or more lanes of a~~

highway or an entire highway designated by traffic control devices where high-occupancy vehicles are given at all times, or at regularly scheduled times, a priority or preference over some or all other vehicles moving in the general stream of all highway traffic. **This shall include shoulders that have been designated for use as HOV lanes during designated hours.**

C. Any high-occupancy vehicle (HOV) lane designated pursuant to Subsection A of this Section may be used by a motorcycle **or an authorized emergency vehicle**, as defined in R.S. 32:1, **or by any other vehicle operated by the department or its agents when designated by the secretary of the department through the promulgation of rules and regulations**, without regard to the number of riders or passengers, **provided the vehicle fulfills any applicable registration requirements of R.S. 47:820.5.9(D).**

D. The department shall ~~have the authority to~~ promulgate rules and regulations related to enforcement, **authorized use**, and penalties of the high-occupancy vehicle lanes. Notwithstanding any other law to the contrary, the rules and regulations shall be in accordance with the selected implementation method of the high-occupancy vehicle lanes.

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 upon the day following approval.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 322

SENATE BILL NO. 66

BY SENATOR FRED MILLS

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

AN ACT

To amend and reenact R.S. 22:11(C)(1)(a)(i), 1821(F)(1) and (2), 1841(3), 1842(A)(1) and (B), and 1843(A)(2) and (B)(1)(a)(ii) and (b)(i) and (iv), R.S. 28:53(B)(1), the introductory paragraph of 53(B)(4), 53(F), (G)(2), the introductory paragraph of 53(G)(7)(a), the introductory paragraph of 53(G)(7)(b) and 53(G)(7)(b)(ii), and (J)(1), R.S. 37:1262(4), 1271, the introductory paragraph of 1271.1(A) and 1271.1(A)(2) and (3), and 1285.2(D)(2), R.S. 40:1046(K), 1165.2(B), 1167.2(6), 1167.4(E) and (F), 1223.2(3), 1223.3(3), (5), and (6)(b), 1223.4(A) and (B)(3), 1223.5, 1237.1(A)(9)(a)(ii)(bb), and 2195.1(A)(6), and R.S. 46:978.1(2), to enact R.S. 40:1223.4(B)(5) through (8), and to repeal R.S. 22:1841(6) and R.S. 37:1276.1, relative to telehealth services; to provide for the practice of medicine or provision of health care or healthcare professional services through telehealth; to provide for definitions; to provide for updated terminology; to provide for rulemaking by occupation regulatory entities; to repeal provisions regarding telemedicine; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:11(C)(1)(a)(i), 1821(F)(1) and (2), 1841(3), 1842(A)(1) and (B), and 1843(A)(2) and (B)(1)(a)(ii) and (b)(i) and (iv) are hereby amended and reenacted to read as follows:

§11. Rules and regulations by commissioner

* * *

C.(1) When the governor declares a state of emergency pursuant to R.S. 29:724 or a public health emergency pursuant to R.S. 29:766, the commissioner may issue emergency rules or regulations that address any of the following related to insurance policies or health maintenance organization contracts in this state:

(a) Medical coverage relative to each of the following:

(i) Removal of telehealth ~~and telemedicine~~ access restraints.

* * *

§1821. Payment of claims; health and accident policies; prospective review; penalties; self-insurers; ~~telemedicine~~ **telehealth** reimbursement by insurers; prohibitions

* * *

F.(1) Notwithstanding any provision of any policy or contract of insurance or health benefits issued, whenever ~~such the~~ policy provides for payment, benefit, or reimbursement for any health care **healthcare** service, including but not limited to diagnostic testing, treatment, referral, or consultation, and ~~such health care the healthcare~~ service is performed via transmitted electronic imaging or ~~telemedicine, telehealth, such a the~~ payment, benefit, or reimbursement under ~~such the~~ policy or contract shall not be denied to a licensed physician conducting or participating in the transmission at the originating ~~health care healthcare~~ facility or terminus who is physically present with the individual who is the subject of ~~such the~~ electronic imaging transmission and is contemporaneously communicating and interacting with a licensed physician at the receiving terminus of the transmission. The payment, benefit, or reimbursement to ~~such a the~~ licensed physician at the originating facility or terminus shall not be less than seventy-five percent of the reasonable and customary amount of payment, benefit, or reimbursement which that licensed physician receives for an intermediate office visit.

(2) Any ~~health care healthcare~~ service proposed to be performed or

performed via transmitted electronic imaging or ~~telemedicine~~ **under telehealth pursuant to** this Subsection shall be subject to the applicable utilization review criteria and requirements of the insurer. Terminology in a health and accident insurance policy or contract that either discriminates against or prohibits such a method of transmitted electronic imaging or ~~telemedicine~~ **telehealth** shall be void as against public policy of providing the highest quality health care to the citizens of the state.

SUBPART B-1. MEDICAL CLAIMS FOR SERVICES
PROVIDED THROUGH TELEHEALTH AND ~~TELEMEDICINE~~

§1841. Definitions
For purposes of this Subpart, the following definitions apply:

(3) “Platform” means the technology, system, software, application, modality, or other method through which a healthcare provider remotely interfaces with a patient when providing a healthcare service or procedure as a ~~telemedicine medical service~~ or telehealth healthcare service.

§1842. ~~Telemedicine medical services and telehealth~~ **Telehealth** healthcare services statement

A.(1) Each issuer of a health coverage plan shall display in a conspicuous manner on the health coverage plan issuer's website information regarding how to receive covered ~~telemedicine medical services~~; telehealth healthcare services; and remote patient monitoring services.

B. This Section shall not require an issuer of a health coverage plan to display negotiated contract payment rates for healthcare providers who contract with the issuer to provide ~~telemedicine medical services~~ or telehealth healthcare services.

§1843. Remote patient monitoring services
A. The legislature hereby finds all of the following:

(2) The goal of remote patient monitoring services provided through ~~telemedicine~~ or telehealth is to coordinate primary, acute, behavioral, and long-term social service needs for high need, high cost patients.

B. To receive reimbursement for the delivery of remote patient monitoring services through telehealth, all of the following conditions shall be met:

(1) The services shall consist of all of the following:
(a) An assessment, problem identification, and evaluation which includes all of the following:

(ii) Detection of condition changes based on the ~~telemedicine~~ or telehealth encounter that may indicate the need for a change in the plan of care.

(b) Implementation of a management plan through one or more of the following:

(i) Teaching regarding medication management as appropriate based on the ~~telemedicine~~ or telehealth findings for that encounter.

(iv) Coordination of care with the ordering healthcare provider regarding the ~~telemedicine~~ or telehealth findings.

Section 2. R.S. 28:53(B)(1), the introductory paragraph of 53(B)(4), 53(F), (G) (2), the introductory paragraph of 53(G)(7)(a), the introductory paragraph of 53(G)(7)(b) and 53(G)(7)(b)(ii), and (J)(1) are hereby amended and reenacted to read as follows:

§53. Admission by emergency certificate; extension; payment for services rendered

B.(1) Any physician licensed or permitted by the Louisiana State Board of Medical Examiners, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist may execute an emergency certificate only after an actual examination of a person alleged to have a mental illness or be suffering from a substance-related or addictive disorder who is determined to be in need of immediate care and treatment in a treatment facility because the examining physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist determines the person to be dangerous to self or others or to be gravely disabled. The actual examination of the person by a psychiatrist or psychiatric mental health nurse practitioner may be conducted by ~~telemedicine~~ **telehealth** utilizing video conferencing technology provided that a licensed healthcare professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in Paragraph (4) of this Subsection shall be in the examination room with the patient at the time of the video conference. A patient examined in such a manner shall be medically cleared prior to admission to a mental health treatment facility. Failure to conduct an examination prior to the execution of the certificate will be evidence of gross negligence.

(4) In the case of an emergency certificate issued pursuant to an examination

conducted by ~~telemedicine~~ **telehealth** pursuant to Paragraph (1) of this Subsection and Paragraph (J)(1) of this Section, the licensed healthcare professional present during the actual examination shall be responsible for obtaining, recording, and attaching to the emergency certificate the following information regarding the video conference:

F. An emergency certificate shall constitute legal authority to transport a patient to a treatment facility and shall permit the director of such treatment facility to detain the patient for diagnosis and treatment for a period not to exceed fifteen days, and to return the patient to the facility if he is absent with or without permission during authorized periods of detention. If necessary, peace officers shall apprehend and transport, or ambulance services, under appropriate circumstances, may locate and transport, a patient on whom an emergency certificate has been completed to a treatment facility at the request of either the director of the facility, the certifying physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist, the patient's next of kin, the patient's curator, or the agency legally responsible for his welfare. In the case of an emergency certificate issued pursuant to an examination conducted by ~~telemedicine~~ **telehealth** pursuant to Paragraph (B)(1) of this Section, or where the valid original is not provided to the transporter, a copy transmitted by facsimile or other electronic device shall be sufficient authority for the peace officer or ambulance worker to transport the patient to a treatment facility and for the director to accept such patient. The psychiatrist shall cause the original certificate to be deposited in the United States mail properly addressed to the director of the treatment facility by the next business day following the date of examination. The director of the treatment facility shall notify the patient's nearest relative, if known, or designated responsible party, if any, in writing, of the patient's admission by emergency certificate as soon as reasonably possible.

G.

(2) Within seventy-two hours of admission, the person shall be independently examined by the coroner or his deputy who shall execute an emergency certificate, pursuant to Subsection B of this Section, which shall be a necessary precondition to the person's continued confinement. Except as provided in Paragraph (7) of this Subsection, if the actual examination by the psychiatrist referred to in Paragraph (B)(1) of this Section is conducted by ~~telemedicine~~, **telehealth**, the seventy-two-hour independent examination by the coroner shall be conducted in person.

(7) As it relates to the parish of St. Tammany, all of the following shall apply:

(a) The coroner or deputy coroner, who is a physician, preferably a psychiatrist, may conduct an examination and execute an emergency certificate, as provided in Subparagraph (b) of this Paragraph, by ~~telemedicine~~ **telehealth** utilizing video conferencing equipment, provided that all of the following are met:

(b) The coroner or deputy coroner, who is a physician, preferably a psychiatrist, may conduct an examination and execute an emergency certificate, as provided in Subparagraph (a) of this Paragraph by ~~telemedicine~~ **telehealth** under all of the following circumstances:

(ii) If the coroner conducted the initial examination, pursuant to Paragraph (3) of this Subsection, by ~~telemedicine~~ **telehealth** and has executed the first emergency commitment certificate, a second examination shall be made in person within the seventy-two hour period set forth in this Part by any psychiatrist, psychiatric mental health nurse practitioner, or a psychologist at the treatment facility where the person is confined.

J.(1) Upon the request of a credible person of legal age who is financially unable to afford a private physician or who cannot immediately obtain an examination by a physician, the parish coroner may render, or the coroner or a judge of a court of competent jurisdiction may cause to be rendered by a physician, an actual examination of a person alleged to have a mental illness or be suffering from a substance-related or addictive disorder and in need of immediate medical treatment because he is dangerous to himself or others or is gravely disabled. The actual examination of the person by a psychiatrist may be conducted by ~~telemedicine~~ **telehealth** utilizing video conferencing technology provided that a licensed healthcare professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in Paragraph (B)(4) of this Section shall be in the examination room with the patient at the time of the video conference. If the coroner is not a physician he may deputize a physician to perform this examination. To accomplish the examination authorized by this Subsection, if the coroner or the judge is apprehensive that his own safety or that of the deputy or other physician may be endangered thereby, he shall issue a protective custody order pursuant to R.S. 28:53.2.

Section 3. R.S. 37:1262(4), 1271, the introductory paragraph of 1271.1(A) and 1271.1(A)(2) and (3), and 1285.2(D)(2) are hereby amended and reenacted to read as follows:

§1262. Definition

As used in this Part the following words and phrases shall have the meanings ascribed to them:

~~(4) “Telemedicine” means the practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data by a physician using technology that enables the physician and a patient at two locations separated by distance to interact. Such technology may include electronic communications, information technology, asynchronous store and forward transfer technology, or technology that facilitates synchronous interaction between a physician at a distant site and a patient at an originating site. The term “telemedicine” shall not include any of the following:~~

~~(a) Electronic mail messages and text messages that are not compliant with applicable requirements of the Health Insurance Portability and Accountability Act of 1996, as amended 42 U.S.C. 1320d et seq.~~

~~(b) Facsimile transmissions.~~
“Telehealth” shall have the same meaning as that term defined in R.S. 40:1223.3.

~~§1271. License to practice medicine or telemedicine required~~
A. No Except as provided in the Louisiana Telehealth Access Act, R.S. 40:1223.1 et seq. no person shall practice medicine as defined in this Part until he possesses a duly recorded license issued pursuant to this Part, a permit or registration as provided for in this Part, or a certificate issued pursuant to Part I-D of this Chapter.

~~B.(1) No person shall practice or attempt to practice medicine across state lines without first complying with the provisions of this Part and without being a holder of either an unrestricted license to practice medicine in Louisiana or a telemedicine license entitling him to practice medicine pursuant to R.S. 37:1276.1.~~

~~(2) Except as provided in R.S. 37:1271.1 and 1276.1, all of the following shall apply to any physician practicing telemedicine as defined in this Part:~~

~~(a) The physician practicing telemedicine shall use the same standard of care as if the healthcare services were provided in person.~~

~~(b) The physician practicing telemedicine shall not be required to conduct an in-person patient history or physical examination of the patient before engaging in a telemedicine encounter if the physician satisfies all of the following conditions:~~

~~(i) Holds an unrestricted license to practice medicine in Louisiana.~~
~~(ii) Has access to the patient's medical records upon consent of the patient.~~
~~(iii) Creates a medical record on each patient and makes such record available to the board upon request.~~

~~(iv) If necessary, provides a referral to a physician in this state or arranges for follow-up care in this state as may be indicated.~~

~~(3) Except as authorized by R.S. 37:1271.1 or otherwise by rule promulgated by the board, no physician practicing telemedicine pursuant to this Subsection shall prescribe any controlled dangerous substance prior to conducting an appropriate in-person patient history or physical examination of the patient as determined by the board.~~

~~(4) (a) A patient receiving telemedicine services may be in any location at the time that the telemedicine services are rendered. A physician practicing telemedicine may be in any location when providing telemedicine services to a patient.~~

~~(b) A physician practicing telemedicine may utilize interactive audio without the requirement of video if, after access and review of the patient's medical records, the physician determines that he is able to meet the same standard of care as if the healthcare services were provided in person.~~

~~(5) A physician practicing telemedicine shall document the telemedicine services rendered in the patient's medical records according to the same standard as that required for nontelemedicine services. Medical records including but not limited to video, audio, electronic, or other records generated as a result of providing telemedicine services shall be considered as confidential and shall be subject to all applicable state and federal laws and regulations relative to the privacy of health information.~~

~~(6) Venue in any suit filed involving care rendered via telemedicine shall be in accordance with the provisions of R.S. 40:1223.5.~~

~~§1271.1. Practice of telemedicine~~ **Physician utilization of telehealth** in licensed healthcare facilities

A. All of the following restrictions and authorizations apply to a physician who holds an unrestricted license to practice medicine from the board and who practices telemedicine upon **utilizes telehealth for** any patient who is being treated at a healthcare facility that is required to be licensed pursuant to the laws of this state and which holds a current registration with the United States Drug Enforcement Administration:

~~(2) The physician shall be authorized to may prescribe any controlled dangerous substance without necessity of conducting an appropriate in-person patient history or physical examination of the patient as otherwise would be required by R.S. 37:1271(B)(2)~~ **R.S. 40:1223.4.**

~~(3) The physician shall not be subject to any regulatory prohibition or restriction on the practice of telemedicine; utilization of telehealth, including prohibitions or restrictions related to prescribing controlled dangerous substances, which are in any manner more restrictive than the prohibitions and restrictions that are otherwise applicable to the entire practice of medicine.~~

~~§1285.2. Investigations and adjudications; staff; complaints; board~~
THE ADVOCATE
PAGE 45

procedure; rulemaking authority

D.

~~(2) The provisions of Paragraph (1) of this Subsection shall apply to practice performance reviews of physicians practicing telemedicine. utilizing telehealth.~~

~~Section 4. R.S. 40:1046(K), 1165.2(B), 1167.2(6), 1167.4(E) and (F), 1223.2(3), 1223.3(3), (5), and (6)(b), 1223.4(A) and (B)(3), 1223.5, 1237.1(A)(9)(a)(ii)(bb), and 2195.1(A)(6) are hereby amended and reenacted and R.S. 40:1223.4(B)(5) through (8) are hereby enacted to read as follows:~~

~~§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the Louisiana Board of Pharmacy; production facility licensing; permitting by the Louisiana Department of Health~~

~~K. Nothing in this Part shall be construed or enforced in any manner that prevents a physician a clinician authorized by Subsection A of this Section to recommend therapeutic marijuana from recommending therapeutic marijuana through telemedicine; telehealth, as defined in R.S. 37:1262, R.S. 40:1223.3 in this state.~~

~~§1165.2. Health Care Information Technology and Infrastructure Advisory Collaborative; membership; powers and duties; annual report~~

~~B. The legislature hereby establishes the Health Care Information Technology and Infrastructure Collaborative to be composed of LARHIX, the Health Information Technology Committee of the Louisiana Health Care Quality Forum and any other current or future regional health information exchange, hereinafter referred to in this Section as “collaborative.” The collaborative shall advise the secretary of the Louisiana Department of Health on strategies for the advancement of the use of electronic health information technology through the identification of state laws and regulations that impede such advancement, including but not limited to those laws and regulations that concern the form of consent to medical treatment and authorization for other health care transactions, and matters related to facilitation of telemedicine telehealth consultations.~~

~~§1167.2. Legislative findings; purpose~~
~~The legislature finds that:~~

~~(6) In 2007, the state authorized the secretary to enter into a Cooperative Endeavor Agreement (“CEA”) with the Rural Hospital Coalition, Inc. (the “Coalition”), for the establishment of the Louisiana Rural Health Information Exchange (LARHIX), a multi-regional health care information exchange. With the funding provided, seven rural hospitals acquired EHR technology and were linked to Louisiana State University Health Sciences Center - Shreveport (LSUHSC-S) via a state-of-the-art integration engine, permitting a panel of specialists to access a rural patient's medical record in real time while consulting with the patient over the telemedicine telehealth equipment located at the rural hospital. In 2008, the state entered into a five-year CEA with the Coalition and provided funding to expand the network to seven additional rural hospitals. LARHIX has been honored as a network model with multiple award nominations by national technology organizations.~~

~~§1167.4. Establishment of the Electronic Health Records Loan Program~~

~~E. The secretary is authorized to enter into CEAs to facilitate with any entity access to the ARRA loan program funding and to make loans to eligible providers to provide for the acquisition and implementation of certified EHR technology by eligible providers, and where integrated, telemedicine telehealth technology.~~

~~F. To provide for the expansion and administration of LARHIX and other related matters, the secretary shall enter into a CEA with the Coalition, the terms of which shall govern the program's loans made available to rural hospitals, and with the secretary's approval, to other rural health care providers who have elected to partner with rural hospitals in the acquisition of certified EHR technology. For purposes of this Subsection and to the extent permitted by the ARRA, certified EHR technology will include telemedicine telehealth technology which such technology is fully integrated with the certified EHR technology acquired by the hospital.~~

~~§1223.2. Legislative findings~~
~~The legislature hereby finds and declares the following:~~

~~(3) Telehealth services could potentially address a great unmet need for health care by persons who have limited access to both traditional healthcare settings and to telemedicine as currently defined in Louisiana law.~~

~~§1223.3. Definitions~~
~~As used in this Part, the following terms have the meaning ascribed in this Section:~~

~~(3) “Healthcare provider” means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or certified by this state to practice medicine or provide healthcare~~

~~CODING: Words in struck through type are deletions from existing law; words under- scored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.~~

* As it appears in the enrolled bill

~~health care or healthcare professional services as a physician assistant; hospital; nursing home; dentist; registered nurse; advanced practice registered nurse; licensed dietitian or nutritionist; licensed practical nurse; certified nurse assistant; offshore health service provider; ambulance service; licensed midwife; pharmacist; speech-language pathologist; audiologist; optometrist; podiatrist; chiropractor; physical therapist; occupational therapist; certified or licensed athletic trainer; psychologist; medical psychologist; social worker; licensed professional counselor; licensed perfusionist; licensed respiratory therapist; licensed radiologic technologist; licensed hearing aid dealer; licensed, certified, or registered addiction counselor; licensed, certified, or registered prevention professional; certified compulsive gambling counselor; behavioral health provider who works for a licensed agency or credentialed provider which provides community psychiatric support and treatment services or psychosocial rehabilitation services as defined in R.S. 40:2162; or licensed clinical laboratory scientist which may be provided by telehealth in the ordinary course of business or practice of a profession.~~

(5) “Synchronous interaction” means communication through interactive technology that enables a healthcare provider and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously. ~~The healthcare provider may utilize interactive audio without the requirement of video if, after access and review of the patient’s medical records, the provider determines that he is able to meet the same standard of care as if the healthcare services were provided in person.~~

(b) For purposes of this Paragraph, “behavioral health services” means ~~those services~~ **all of the following:**

(i) **Behavioral health services** as defined in R.S. 40:2153 that are appropriate for the patient and delivered by a licensed mental health professional, acting within the scope of applicable state laws and his professional license for services identified by Louisiana Department of Health, to treat mental illness or substance use.

(ii) **Services provided by a behavioral health provider who works for a licensed agency or credentialed provider which provides community psychiatric support and treatment services or psychosocial rehabilitation services as defined in R.S. 40:2162.**

§1223.4. Telehealth; rulemaking required

A. Each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare provider, as defined in this Part, ~~may~~ **shall** promulgate, in accordance with the Administrative Procedure Act, any rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity. ~~However, any rules and regulations shall be consistent with and no more restrictive than the provisions contained in this Section.~~

B. The rules shall, at a minimum, provide for all of the following:

(3)(a) Licensing or registration of out-of-state healthcare providers who seek to furnish healthcare services via telehealth to persons at originating sites in Louisiana. The rules shall ensure that ~~any such~~ **the** healthcare provider possesses, at a minimum, an unrestricted and unencumbered license in good standing to perform the healthcare service in the state in which the healthcare provider is located, and that the license is comparable to its corresponding license in Louisiana as determined by the respective Louisiana licensing agency, board, or commission.

(b) Each state agency and professional or occupational licensing board or commission ~~is authorized to~~ **may** provide by rule for a reasonable fee for the license or registration provided for in this Subsection.

~~(5) Except as otherwise provided in Paragraph (6) of this Subsection, a healthcare provider shall not be required to conduct an in-person patient history or physical examination of the patient before engaging in a telehealth encounter but shall provide a referral to a healthcare provider in this state or arrange for follow-up care in this state as necessary.~~

~~(6) Except as authorized by R.S. 37:1271.1 or otherwise by rule promulgated by a state agency or professional or occupational licensing board or commission, no healthcare provider shall prescribe any controlled dangerous substance prior to conducting an appropriate in-person patient history or physical examination of the patient as determined by the appropriate state agency or professional or occupational licensing board or commission.~~

~~(7) A healthcare provider may use interactive audio without the requirement of video if, after access and review of the patient’s medical records, the healthcare provider determines that he is able to meet the same standard of care as if the healthcare services were provided in person.~~

~~(8) Creation of a record on each patient. The record shall be made available, upon request, to the state agency or professional or occupational licensing board or commission that regulates the practice of the healthcare provider.~~

§1223.5. Venue; telehealth and telemedicine

Venue in any suit filed involving care rendered via telehealth pursuant to the provisions of this Part ~~or telemedicine pursuant to the provisions of R.S. 37:1271(B)~~ shall be proper and instituted before the district court of the judicial district in which the patient resides or in the district court having jurisdiction in the parish where the patient was physically located during the provision of the telehealth ~~or telemedicine~~ service. The patient is considered

physically located at the originating site as defined in R.S. 40:1223.3.

§1237.1. Definitions and general application

A. As used in this Part:

(9)(a) “State health care provider” or “person covered by this Part” means:

(ii) A person acting in a professional capacity in providing health care services, by or on behalf of the state, including but not limited to a physician, psychologist, coroner, and assistant coroner who is a licensed physician when acting solely in accordance with the Behavioral Health Law as provided in R.S. 28:50 et seq., provided that the premium costs of such malpractice coverage shall be the responsibility of the coroner’s office, dentist, a licensed dietician or licensed nutritionist employed by, referred by, or performing work under contract for, a state health care provider or other person already covered by this Part, registered nurse, licensed practical nurse, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist, physical therapist, occupational therapist, licensed respiratory therapist, licensed radiologic technologist, licensed clinical laboratory scientist, social worker, hospital administrator, or licensed professional counselor, who is either:

(bb) Performing voluntary professional or ~~telemedicine~~ **telehealth** services in a health care facility or institution for or on behalf of the state.

§2195.1. State office of rural health

A. Within the Louisiana Department of Health, the Louisiana state office of rural health shall:

(6) Provide statewide technical assistance in conjunction with the Louisiana Rural Health Association on establishment of rural health clinics and on grant writing, especially related to rural health outreach grants, ~~telemedicine~~ **telehealth** grants, and other grants available to increase rural health access.

Section 5. R.S. 46:978.1(2) is hereby amended and reenacted to read as follows:

§978.1. Definitions

As used in this Chapter, the following definitions shall apply:

(2) “Health information technology” shall mean information technology used in health care, including but not limited to electronic health ~~records/ electronic records or electronic~~ medical records, computerized physician order entry, health information exchange, ~~telemedicine~~ **telehealth**, and other relevant information technology deemed appropriate by the secretary of the department.

Section 6. R.S. 22:1841(6) and R.S. 37:1276.1 are hereby repealed.

Section 7. This Act shall become effective on January 1, 2024.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 323

SENATE BILL NO. 102
BY SENATOR FRED MILLS
AN ACT

To enact Chapter 17 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3321 through 3327, relative to the Acadiana Watershed District; to create and provide for the Acadiana Watershed District; to provide for the boundaries and purposes of the district; to create and provide for a board of commissioners of the district; to provide for the composition, powers, and duties of the board, including the authority to levy taxes within the district; to provide relative to the district’s relationship with the division of administration, the Department of Transportation and Development, and the Coastal Protection and Restoration Authority; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 17 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3321 through 3327, is hereby enacted to read as follows:

CHAPTER 17. ACADIANA WATERSHED DISTRICT

§3321. Creation; boundaries

The Acadiana Watershed District, referred to in this Chapter as the “district,” is hereby created. The district shall lie within the Atchafalaya, Mermentau, Mermentau Headwaters, Teche, and Vermilion watersheds, situated in the parishes of Acadia, Allen, Avoyelles, Calcasieu, Cameron, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Pointe Coupee, Rapides, St. Landry, St. Martin, St. Mary, and Vermilion. The district boundaries within those parishes shall be aligned with the geographic area composed of Hydrologic Unit Subbasins 08080101, 08080102, 08080103, 08080201, and 08080202, as defined by the United States Geological Survey Watershed Boundary Dataset as of August 1, 2023. The Louisiana Watershed Flood Center at the University of Louisiana at Lafayette, in consultation with the office of state lands and the Coastal

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

Protection and Restoration Authority, shall submit to the legislature a detailed legal description of the Acadiana Watershed District boundaries by January 1, 2024.

§3322. Purpose

The purpose of the district shall be to:

(1) Participate in any activity designed and conducted to promote drainage and flood-risk reduction within the boundaries of the district.

(2) Promote and support a unified effort to address drainage and flood issues in the region in cooperation with local, state, and federal agencies.

(3) Identify local public sources of revenue or expenditure that may be used to draw down federal matching funds for the provision of drainage projects to reduce flood risk.

(4) Cooperate with local, state, and federal entities engaged in planning and construction of drainage and flood reduction and mitigation projects in the state and region.

(5) Cooperate with local and state entities engaged in establishing best practice development standards for flood-risk reduction and mitigation in the region.

§3323. Corporate status; domicile

A. The district shall constitute a body corporate in law and shall be a political subdivision of the state. The district may incur debt and contractual obligations in accordance with law, sue and be sued, purchase and sell property, have a corporate seal, and do and perform any and all acts in its corporate capacity and in its corporate name which are necessary and proper for carrying out the purposes and objects for which it is created.

B. The district shall be domiciled and shall establish an office for the transaction of its business operations at a location within Lafayette Parish and central to the boundaries of the district.

C. The district may own, operate, and maintain a regional sensor network to inform water management practices.

D. The district shall recognize the Louisiana Watershed Flood Center at the University of Louisiana at Lafayette as a center of excellence for watershed management for the purposes of serving as a community resource and authority on research-based data including but not limited to hydraulic and hydrologic data, watershed models, and innovative watershed practices.

E. The district shall be the primary and official repository for all data and models developed for Hydrologic Unit Subbasins 08080101, 08080102, 08080103, 08080201, and 08080202. By entering into a cooperative endeavor agreement with the state, the district shall be recognized as the primary entity responsible for and charged with operating, managing, and maintaining the Louisiana Watershed Initiative Region 5 hydrologic and hydraulic models and any derivative work therein.

F. The district shall be audited pursuant to R.S. 24:513.

§3324. Board of commissioners; appointments; terms; vacancies

A. The Board of Commissioners of the Acadiana Watershed District, referred to in this Chapter as the “board”, is hereby created. The governance, control, and management of the affairs of the district shall be vested in the board.

B. The board shall be comprised of the following members:

(1) The police jury presidents of the parishes of Acadia, Allen, Avoyelles, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, and Vermilion, or their respective designees.

(2) The mayor-president of Lafayette Parish, or his designee.

(3) The parish presidents of the parishes of Iberia, Iberville, Pointe Coupee, St. Landry, St. Martin, and St. Mary, or their respective designees.

(4) The chairman of the House Committee on Natural Resources and Environment, or his designee.

(5) The chairman of the Senate Committee on Natural Resources, or his designee.

C. The board may appoint a technical advisory committee to advise the board on scientific, engineering, and other technical matters. Committee members shall not have voting rights on the board of commissioners. The committee shall be composed of the following members, who shall be nominated by their respective constituent organizations:

(1) A representative of Louisiana Soil & Water Conservation District IV.

(2) A representative of the Teche-Vermilion Fresh Water District.

(3) A representative of the University of Louisiana at Lafayette Watershed Flood Center.

(4) A representative of the Louisiana Natural Resources Conservation Service of the U.S. Department of Agriculture Natural Resources Conservation Division.

(5) Two at-large members nominated by a municipality or municipalities with a population of thirty thousand or more and meeting the technical qualification requirements described in this Section.

(6) Two at-large members nominated by a municipality or municipalities with a population of less than thirty thousand and meeting the technical qualification requirements described in this Section.

(7) One member nominated by the secretary of the Department of Transportation and Development.

(8) One member nominated by the executive director of the Coastal Protection and Restoration Authority.

(9) One member nominated by the Commander and District Engineer of the New Orleans District, U.S. Army Corps of Engineers.

D. All public officials or designees serving on the board shall serve terms concurrent with their term of office. Technical advisory committee members shall serve terms of three years, with the initial terms staggered in accordance with the board’s bylaws.

E. Members of the board, member designees, and technical advisory committee appointees shall reside within the boundaries of the district or any parish

within which a portion of the district lies.

F. Technical advisory committee appointees shall have professional experience in engineering, project management, certified flood plain management, or other drainage-related field such as geosciences, hydrology, or water management.

§3325. Officers; vacancies; compensation

A. The commissioners shall elect from their membership a chairman, a vice chairman, and a secretary-treasurer. The duties of the officers shall be fixed by the bylaws adopted by the board.

B. Any vacancy which occurs in the membership of the board shall be filled in the same manner as required for the member being replaced.

C. The commissioners shall serve without compensation, except per diem or expense reimbursement to which they may be individually entitled as members of their constituent organizations.

D. All commissioners shall be subject to the Code of Governmental Ethics.

§3326. Bylaws; quorum

A. The board shall adopt bylaws as it deems necessary or advisable for conducting its business affairs by January 1, 2024. The bylaws shall include but not be limited to:

(1) Procedures for the election of officers, including initial terms of office and methods and grounds for removal of officers.

(2) Procedures and grounds for removal of commissioners, which shall include but not be limited to felony conviction and failure of the commissioner to meet board attendance requirements.

(3) Frequency of meetings.

(4) Appointment of standing and special committees as necessary to carry out the purposes of this Chapter.

B. Before entering upon his official duties, each member of the board shall take the oath of office provided by Article X, Section 30 of the Constitution of Louisiana before an officer authorized by law to administer oaths.

C. A majority of the membership of the board shall constitute a quorum for the transaction of business.

§3327. Powers and duties of the board

A. In order to accomplish the purposes for which the district is created, the board may purchase, acquire by donation, hold, sell, and convey immovable and movable property and execute contracts as it may deem necessary or convenient to enable it to properly carry out the purposes for which it is created.

B. Notwithstanding any provision of law to the contrary, the board may accept the transfer or donation of funds from the governing authorities of parishes, municipalities, drainage districts, levee districts, and other political subdivisions in the district.

C. Notwithstanding any provision of law to the contrary, the board may contract with the federal government, the state, or any other public or private entity to receive and expend funds to plan and perform projects for watershed management.

D. The board may levy a district drainage tax on all property within the boundaries of the district subject to taxation for drainage purposes. No property tax shall be levied without a majority vote of the electors in each parish within the territorial jurisdiction of the authority.

E. In addition to the duties defined elsewhere in this Chapter, the board shall have the duty and authority to:

(1) Represent the public interest in supporting drainage, flood reduction, and mitigation in the district.

(2) Advise state and local government agencies on issues concerning drainage and the reduction and mitigation of flood risk in the district.

(3) Conduct public hearings and share public input on the community’s priorities relative to drainage, flood risk, and mitigation in the district.

(4) Enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions and with any public or private entity to promote the public purposes of the district.

(5) Construct and maintain drainage works of all types, either in cooperation with public entities within the boundaries of the district or upon its own undertaking. Notwithstanding any other provisions of this Chapter to the contrary, all works undertaken pursuant to the authority granted by this Section shall be performed in accordance with the provisions of R.S. 38:2211 et seq. Construction projects shall require approval of two-thirds of the total voting membership of the board. All other decisions, including technical, planning, and permitting decisions, shall require approval by a simple majority of the total voting membership.

(6) Develop and recommend watershed management practices and regional guidance within the district that address the following:

(a) Planning.

(b) Permitting.

(c) Selection and performance of projects and programs.

(d) Resolution of conflicts among agencies.

(e) Use of best available science.

(f) Outreach to the public and state and federal agencies.

(g) Coordination with state agencies and political subdivisions regarding watershed management.

(h) Identifying, obtaining, and expending funding for planning and projects, and entering into agreements with public and private entities.

(i) Entering into agreements with public and private entities to identify, obtain, and expend funds.

(j) Assisting political subdivisions in planning, designing, and constructing projects and identifying and obtaining funding.

(k) Maintaining completed projects and programs.

(l) Defining qualifications for staff and contractors.

* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

F. The board may develop a regional hazard mitigation plan consistent with parish hazard mitigation plans.

G. The board shall consider the benefits of participating in the National Flood Insurance Program Community Rating System (CRS) or any successor or similar program, including how to maximize municipal participation in the CRS. The board shall also consider and prioritize other available policies and programs that can reduce flood risk and reduce flood insurance premiums.

H. The board may develop and implement a plan to manage and maintain any waterways in the district, of state or regional concern, in relation to matters impacting the district, in coordination with other federal, state, and local water management jurisdictions and authorities.

I. The board shall develop a master plan for comprehensive drainage, flood control, and water resource management through the construction and management of projects and programs, including planning, permitting, development, and waterway management. The plan shall consider the Coastal Protection and Restoration Authority and the Atchafalaya Basin Program master plans and provide for public outreach.

J. The board, with the approval of the representative parish governing authorities, shall appoint an administrative body to carry out the purposes of this Chapter.

K. Nothing in this Chapter shall interfere with the statutorily granted authority of any state agency or local government.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 324

SENATE BILL NO. 104

BY SENATORS STINE, DUPLESSIS, FESI, JACKSON, ROBERT MILLS,
PEACOCK, SMITH AND TALBOT

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

AN ACT

To enact R.S. 22:1028.5, relative to health insurance coverage; to require health insurance coverage for biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an individual's disease or condition; to provide coverage requirements; to provide for definitions; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1028.5 is hereby enacted to read as follows:

§1028.5. Required coverage for biomarker testing

A. The legislature hereby finds that medical advances in genomic testing for diseases and other medical conditions including but not limited to biomarker testing can identify characteristics of disease or any other medical condition more accurately and greatly improve the individual's outcome by providing personalized care.

B.(1) Any health coverage plan renewed, delivered, or issued for delivery in this state shall include coverage of biomarker testing.

(2) The coverage provided in this Section may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan. Biomarker testing shall be covered for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an individual's disease or condition when the test provides clinical utility as demonstrated by medical and scientific evidence, including any one of the following items:

(a) Labeled indications for diagnostic tests approved or cleared by the United States Food and Drug Administration or indicated diagnostic tests for a drug approved by the United States Food and Drug Administration.

(b) Warnings and precautions listed on a United States Food and Drug Administration approved drug label.

(c) National Coverage Determinations of the Centers for Medicare and Medicaid Services or Local Coverage Determinations of Medicare Administrative Contractors.

(d) Nationally recognized clinical practice guidelines.

(3) This Section does not require a health coverage plan to cover biomarker testing for screening purposes.

C. The individual and healthcare provider shall have access to a clear, readily accessible, and convenient process to request an exception to a coverage policy or adverse utilization review determination of a health coverage plan. The process shall be made readily accessible on the health coverage plan's website or be clearly outlined in the notification of adverse determination.

D. A health coverage plan shall ensure that the coverage prescribed in Subsection B of this Section is provided in a manner that limits disruptions in care, including the need for multiple biopsies or biospecimen samples.

E. As used in this Section, the following definitions apply unless the context indicates otherwise:

(1) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of normal biological processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention, including known gene-drug interactions for medication being considered for use or currently administered. A "biomarker" includes but is not limited to gene mutations, characteristics of genes, or protein expression.

(2) "Biomarker testing" means the analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker. "Biomarker testing" includes but is not limited to single-analyte tests, multi-plex panel tests, protein expression, whole exome, whole genome, and whole transcriptome sequencing.

(3)(a) "Clinical utility" means a test result to provide information that is used in the formulation of a treatment or monitoring strategy that informs a patient's outcome and impacts the clinical decision.

(b) The most appropriate test may include both information that is actionable and information that cannot be immediately used in the formulation of a clinical decision.

(4) "Health coverage plan" means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan or self-insurance plan, and the office of group benefits. "Health coverage plan" does not include a plan providing coverage for excepted benefits defined in R.S. 22:1061, limited benefit health insurance plans, or short-term policies that have a term of less than twelve months.

(5) "Nationally recognized clinical practice guidelines" means evidence-based clinical guidelines developed by independent organizations or medical professional societies utilizing a transparent methodology and reporting structure and with a conflict-of-interest policy. The guidelines establish standards of care informed by a systematic review of evidence and an assessment of the benefits and risks of alternative care options and include recommendations intended to optimize patient care.

Section 2. The provisions of this Act shall apply to any new policy, contract, program, or health coverage plan issued on or after the January first immediately following the effective date of this Act. Any policy, contract, or health coverage plan in effect prior to the effective date of this Act shall convert to conform to the provisions of this Act on or before the renewal date, but no later than the first January first that is at least one year after the effective date of this Act.

Section 3.(A) The provisions of Sections 1 and 2 of this Act shall become effective when an Act of the Louisiana Legislature containing a specific appropriation of monies for the implementation of the provisions of this Act becomes effective.

(B) The provisions of this Section 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, the provisions of this Section shall become effective on the day following such approval.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 325

SENATE BILL NO. 137

BY SENATORS BARROW, BOUDREAUX, BOUIE, CARTER, CATHEY,
CLOUD, DUPLESSIS, FESI, HENSGENS, HEWITT, LUNEAU, MCMATH,
FRED MILLS, MIZELL, MORRIS, POPE, PRICE, SMITH AND WOMACK
AND REPRESENTATIVE KNOX

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

AN ACT

To amend and reenact R.S. 40:2019(C)(introductory paragraph) and to enact R.S. 24:513(D)(7) and 525 and R.S. 40:2019(C)(23), relative to the state child ombudsman; to provide for the duties of the legislative auditor; to provide for the appointment of a state child ombudsman by the legislative auditor; to provide for minimum qualifications; to provide for duties of the state child ombudsman; to provide for notice to the state child ombudsman of the death of a child in a state agency's custody or care; to provide for legislative review; to provide for membership of the State Child Death Review Panel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:513(D)(7) and 525 are hereby enacted to read as follows:
§513. Powers and duties of legislative auditor; audit reports as public records; assistance and opinions of attorney general; frequency of audits; subpoena power

* * *

D. In addition, the legislative auditor shall perform the following duties and functions:

* * *

(7) He shall appoint a state child ombudsman to serve the functions provided in R.S. 24:525, subject to legislative appropriation, and employ personnel as may be necessary for the state child ombudsman to perform the duties and functions imposed upon him.

* * *

§525. State child ombudsman; duties

A.(1) There shall be a state child ombudsman who shall be appointed by the legislative auditor and shall serve at the pleasure of the legislative auditor at a salary fixed by the legislative auditor.

(2) The state child ombudsman appointed by the legislative auditor shall have knowledge of the child welfare system and the legal system and be qualified by training and experience to perform the duties provided for in this Section.

B. The state child ombudsman shall act as an independent ombudsman monitoring and evaluating the public and private agencies involved in the protection of children and delivery of services to children, reviewing state policies and procedures to ensure they protect children's rights and promote their best interest, and safeguarding the welfare of children through educational advocacy, system reform, public awareness, and training.

C. The state child ombudsman shall have all of the following duties and responsibilities:

(1) Evaluate the delivery of services to children by state agencies and those entities that provide services to children through funds provided by the state.

(2) Periodically review the procedures established by any state agency providing services to children, with a view toward the rights, welfare, and safety of the children and recommend revisions to the procedures.

(3) Review complaints of persons concerning the actions of any state agency providing services to children and of any entity that provides services to children through funds provided by the state, make appropriate referrals, and coordinate when he determines that a child or family may be in need of his assistance or that a systemic issue in the state's provision of services to children is raised by the complaint.

(4) Act as a liaison for a child or family, including but not limited to advocating with an agency, provider, or others on behalf of the best interests of the child.

(5) Periodically review the facilities and procedures of any institution or residences, public or private, where a child has been placed by any state agency or department.

(6) Recommend changes in state policies concerning children including changes in the system of providing juvenile justice, child care, foster care, and access to physical and mental health treatment.

(7) Conduct programs of public education, undertake legislative advocacy, and make proposals for systemic reform in order to ensure the rights of children who reside in this state.

(8) Periodically review and recommend changes in the policies and procedures for the placement of special needs children.

(9) Serve or designate a person to serve as a member of the State Child Death Review Panel.

(10) Take appropriate steps to advise the public of the services and purpose of his position and his contact information.

(11) Prepare a biennial, in-depth report on conditions of confinement regarding children twenty-one years of age or younger who are held in secure detention in any facility operated by a state agency.

(12) Present to the legislature an annual report on the goals of and projects undertaken by him, within available appropriations, that are consistent with the duties and responsibilities provided for in this Section.

(13) Notify the senator and representative who represent the district in which a child has died as a result of abuse or neglect, within twenty-four hours of his knowledge of the death of the child.

D. Any state agency having responsibility for the custody or care of children shall provide monthly notice to the state child ombudsman of the death of a child in its custody or care.

E. The standing committee of each house of the legislature having responsibility for oversight shall perform a biennial review and evaluation of the state child ombudsman and the provisions of this Section.

Section 2. R.S. 40:2019(C)(introductory paragraph) is hereby amended and reenacted and R.S. 40:2019(C)(23) is hereby enacted to read as follows:

§2019. Child death investigation

* * *

C. Child Death Review Panel. There is established within the Louisiana Department of Health the Louisiana State Child Death Review Panel, hereinafter referred to as the “state panel”, which shall be composed of ~~twenty-seven~~ **twenty-eight** persons. Members of the panel shall include:

* * *

(23) The state child ombudsman or his designee.

* * *

Section 3.(A) The provisions of Sections 1 and 2 of this Act shall become effective when an Act of the Louisiana Legislature containing a specific appropriation of monies for the implementation of the provisions of this Act becomes effective.

(B) The provisions of this Section 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, the provisions of this Section shall become effective on the day following such approval.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State
