

SENATE BILL NO. 90

BY SENATOR MILLS

1 AN ACT

2 To enact Subpart D of Part 1 of Subchapter A of Chapter 5-D of Title 40 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 40:1156.1, relative to a voluntary
4 nonopioid directive form; to provide for voluntary prescription opioid opt-out
5 opportunity for patients; to provide for a form; to provide for access to the form; to
6 provide for immunity; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart D of Part 1 of Subchapter A of Chapter 5-D of Title 40 of the
9 Louisiana Revised Statutes of 1950, comprised of R.S. 40:1156.1, is hereby enacted to read
10 as follows:

11 **SUBPART D. PRESCRIPTION NONOPIOID DIRECTIVE**

12 **§1156.1. Voluntary nonopioid directive; form; immunity**

13 **A. The Louisiana Department of Health, in consultation with the office**
14 **of behavioral health, shall establish a voluntary nonopioid directive form and**
15 **shall publish the form prominently on the department's website for public use.**

16 **B. A patient may execute and file a voluntary nonopioid directive form**
17 **with a prescribing practitioner when the patient does not wish to be issued a**
18 **prescription or medication order for an opioid. Upon receipt of a voluntary**
19 **nonopioid directive form, a prescribing practitioner shall date and affix his**
20 **signature to the form in the presence of the patient as evidence of acceptance,**
21 **document the receipt in the patient's medical record, and provide a signed copy**
22 **of the form to the patient.**

23 **C. The voluntary nonopioid directive form established by the**
24 **department shall allow a patient or when the patient is unable to consent for**
25 **himself, any person duly authorized and empowered to provide medical consent**
26 **for the patient under the provisions of R.S. 40:1151.4, to revoke the directive,**
27 **orally or in writing, for any reason, at any time.**

1 **D. An electronically transmitted prescription to a pharmacy shall be**
 2 **presumed to be valid for the purposes of this Section, and a pharmacist shall not**
 3 **be held in violation of this Section for dispensing a controlled substance in**
 4 **contradiction to a voluntary nonopioid form.**

5 **E. No prescribing practitioner who has signed and executed a nonopioid**
 6 **directive form with a patient acting with reasonable care shall be liable for**
 7 **damages in a civil action or subject to criminal prosecution or be deemed to**
 8 **have violated the standard of care for such prescribing practitioner for refusing**
 9 **to issue a prescription or medication order for an opioid pursuant to a**
 10 **voluntary nonopioid directive form.**

11 **F. No person acting in good faith as a duly authorized guardian or health**
 12 **care representative pursuant to Subsection C of this Section shall be liable for**
 13 **damages in a civil action or subject to criminal prosecution for revoking or**
 14 **overriding a voluntary nonopioid directive form.**

15 **G. No prescribing practitioner shall be liable for damages in a civil**
 16 **action, subject to criminal prosecution, or deemed to have violated the standard**
 17 **of care for a prescribing practitioner's profession for issuing a prescription for**
 18 **or administering a controlled substance containing an opioid to a patient when**
 19 **the patient and the prescribing practitioner have not executed and filed a**
 20 **voluntary nonopioid directive form under the provisions of this Subpart.**

21 **H. A prescribing practitioner who willfully fails to comply with a**
 22 **patient's voluntary nonopioid directive form may be subject to disciplinary**
 23 **action pursuant to rules promulgated by his health profession licensing board.**

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____