

2024 Regular Session

HOUSE BILL NO. 602

BY REPRESENTATIVES DAVIS AND CHASSION

HEALTH: Provides relative to stock emergency medications

1 AN ACT

2 To enact R.S. 40:1142, relative to stock emergency medications; to provide for definitions;
3 to deem certain medications as life-saving; to identify which entities may be
4 considered qualified entities; to establish certain provisions for qualified entities; to
5 establish a protocol; to provide for a standing order; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1142 is hereby enacted to read as follows:

9 §1142. Allowance to stock emergency medication; definitions

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

11 (1)(a) "Life-saving medications" means any medication recognized by the
12 Louisiana Department of Health as a medication that can be administered to treat a
13 life-threatening condition.

14 (b) Such medications shall include but not be limited to the following:

15 (i) Epinephrine.

16 (ii) Naloxone.

17 (iii) Albuterol.

18 (iv) Glucagon.

19 (2) "Qualified entity" means any public or private entity that is associated
20 with a location where a medical emergency can occur, including licensed early

1 learning centers, colleges and universities, places of employment, restaurants,
2 amusement parks, recreation camps, after-school programs, sports playing fields and
3 arenas, and other similar locations, except that "qualified entity" does not include
4 public or non-public elementary or secondary schools.

5 (3) "Trained personnel" means an employee, agent, or volunteer of an entity
6 who has received training on the medications that include but are not limited to the
7 following:

8 (a) Techniques on how to recognize signs of life-threatening emergency
9 standards and procedures for the storage and administration of life-saving
10 medication.

11 (b) Emergency follow-up procedures including the requirement to summon
12 emergency services either immediately before or immediately after administering
13 life-saving medication.

14 B. Notwithstanding any other provision of law to the contrary, licensed
15 healthcare professionals authorized to prescribe such medication may prescribe
16 life-saving medications maintained in the name of a qualified entity for use in
17 accordance with this Section.

18 C. Notwithstanding any other provision of law to the contrary, licensed
19 pharmacists and physicians may dispense life-saving medications in accordance with
20 a prescription issued pursuant to this Section.

21 D. Notwithstanding any other provision of law to the contrary, a qualified
22 entity may maintain a stock supply of life-saving medications in accordance with a
23 prescription issued pursuant to this Section.

24 E.(1) The qualified entity may authorize trained personnel to administer
25 life-saving medications to an individual on the qualified entity's premises or during
26 a qualified entity-affiliated activity with whom the trained personnel as defined in
27 this Section believes in good faith is experiencing a medical emergency, in
28 accordance with this Section. There shall be a standing protocol for a licensed

1 healthcare professional authorized to dispense or prescribe the necessary medication,
2 regardless of whether the individual has a prescription for a life-saving medication.

3 (2) Training may be performed by a medical emergency training
4 organization, a registered nurse, or a licensed physician.

5 F. The qualified entity may enter into arrangements with manufacturers of
6 life-saving medications or third-party suppliers of life-saving medications to obtain
7 life-saving medications at fair-market, free, or reduced prices.

8 G. A person or entity shall not be liable for damages in a civil action for
9 injury, death, or loss to person or property that allegedly arises from an act or
10 omission associated with administration or self-administration of a life-saving
11 medication, unless the act or omission constitutes willful or wanton misconduct
12 include but are not limited to all of the following:

13 (1) A qualified entity.

14 (2) A qualified entity's employee, agent, or volunteer.

15 (3) A licensed healthcare professional authorized to prescribe or dispense
16 life-saving medications.

17 (4) A training organization and its personnel.

18 H. The administration of life-saving medications pursuant to this Section is
19 not the practice of medicine or nursing.

20 I.(1) Notwithstanding any other provision of law to the contrary, the
21 secretary of the Louisiana Department of Health is authorized to issue a standing
22 order for the prescription of life-saving medications on a statewide basis under
23 certain conditions that he shall determine to be in the best interest of the people in
24 this state.

25 (2) If the secretary of the department is not a physician, the department may
26 appoint a designee.

DIGEST

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

HB 602 Reengrossed

2024 Regular Session

Davis

Abstract: Allows certain qualified entities to stock emergency medications.

Proposed law defines "life-saving medications", "qualified entity", and "trained personnel".

Proposed law allows a licensed healthcare professional authorized to prescribe life-saving medications maintained in the name of a qualified entity for use.

Proposed law allows a licensed pharmacist and physician to dispense life-saving medications in accordance with a prescription issued pursuant to proposed law.

Proposed law allows a qualified entity to maintain a stock supply of life-saving medications in accordance with a prescription issued pursuant to proposed law.

Proposed law allows a qualified entity to authorize trained personnel to administer life-saving medications to an individual on the qualified entity's premises or during a qualified entity-affiliated activity with whom the trained personnel believes in good faith is experiencing a medical emergency. Proposed law further allows such training to be performed by a medical emergency training organization, a registered nurse, or a licensed physician.

Proposed law requires a standing protocol for a licensed healthcare professional authorized to dispense or prescribe the necessary medication, regardless of whether the individual has a prescription for a life-saving medication.

Proposed law allows the qualified entity to enter into arrangements with manufacturers of life-saving medications or third-party suppliers of life-saving medications to obtain life-saving medications at fair-market, free, or reduced prices.

Proposed law exempts the following persons and entities from being liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with the administration or self-administration of a life-saving medication, unless such act or omission was the result of willful or wanton misconduct:

- (1) A qualified entity.
- (2) A qualified entity's employee, agent, or volunteer.
- (3) A licensed healthcare professional authorized to prescribe or dispense life-saving medications.
- (4) A training organization and its personnel.

Proposed law authorizes the secretary of the La. Dept. of Health to issue a standing order for the prescription of life-saving medications on a state-wide basis under certain conditions that he determines to be in the best interest of the people in this state.

(Adds R.S. 40:1142)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Change reference from "child daycare center" to "licensed early learning center".
2. Allow training to be performed by a medical emergency training organization, a registered nurse, or a licensed physician.
3. Make technical corrections.