

2024 Regular Session

HOUSE BILL NO. 602

BY REPRESENTATIVES DAVIS AND CHASSION

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 may include but not be limited to the following:

15 (i) Epinephrine.

16 (ii) Naloxone.

17 (iii) Albuterol.

18 (iv) Glucagon.

1 (2) "Qualified entity" means any public or private entity that is associated
2 with a location where a medical emergency can occur, including licensed early
3 learning centers, colleges and universities, places of employment, restaurants,
4 amusement parks, recreation camps, after-school programs, sports playing fields and
5 arenas, and other similar locations, except that "qualified entity" does not include
6 public or non-public elementary or secondary schools.

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

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

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

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

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

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

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

1 accordance with this Section. There shall be a standing protocol for a licensed
 2 healthcare professional authorized to dispense or prescribe the necessary medication,
 3 regardless of whether the individual has a prescription for a life-saving medication.

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

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

9 G. A person or entity shall not be liable for damages in a civil action for
 10 injury, death, or loss to person or property that allegedly arises from an act or
 11 omission associated with administration or self-administration of a life-saving
 12 medication, unless the act or omission constitutes willful or wanton misconduct. The
 13 limitation of liability provided for in this Subsection shall apply to the following:

14 (1) A qualified entity.

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

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

18 (4) A training organization and its personnel.

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

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

26 (2) If the secretary of the department is not a physician, the secretary may
 27 appoint a designee who is a physician employed by the department to issue the
 28 standing order provided for in this Subsection.

1 J. The Louisiana Department of Health shall promulgate rules in accordance
2 with the Administrative Procedure Act to implement the provisions of this Section.
3 The rules shall include the list of life-saving medications that can be prescribed,
4 dispensed, and maintained pursuant to the provisions of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____