

2024 Regular Session

HOUSE BILL NO. 853

BY REPRESENTATIVES MYERS, BACALA, BERAULT, BOYER, CHASSION,
DICKERSON, ECHOLS, EGAN, FISHER, HEBERT, HORTON, JACKSON,
KNOX, MILLER, NEWELL, PHELPS, SELDERS, STAGNI, TAYLOR,
THOMPSON, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 36:251(C)(1), 252(A) and (B), and 257(A) and R.S. 40:2 and
3 1281.1(introductory paragraph) and (8) and to enact R.S. 36:254.4 and 258(M) and
4 R.S. 42:1123.2(D)(6), relative to the office of the surgeon general within the
5 Louisiana Department of Health; to create the office of the surgeon general; to
6 provide for the position of surgeon general within the office of the surgeon general;
7 to provide for its purpose, duties, and functions; to provide for definitions; to provide
8 that the surgeon general is the state health officer; to create an exception from certain
9 ethics provisions; to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:251(C)(1), 252(A) and (B), and 257(A) are hereby amended and
12 reenacted and R.S. 36:254.4 and 258(M) are hereby enacted to read as follows:

13 §251. Louisiana Department of Health; creation; domicile; composition; purpose
14 and functions

15 * * *

16 C.(1) The Louisiana Department of Health shall be composed of the
17 executive office of the secretary, the office of the surgeon general, the office of
18 management and finance, the office of public health, the office of behavioral health,
19 the office for citizens with developmental disabilities, the office of aging and adult
20 services, the office on women's health and community health, and such other offices
21 as shall be created by law.

22 * * *

1 §252. Officers of the department; compensation for one office only

2 A. The officers of the department shall be the secretary, the surgeon general,
3 the undersecretary, the deputy secretary, if a deputy secretary is appointed, and
4 assistant secretaries, each of whom shall be selected and shall perform functions as
5 provided in this Title.

6 B. No person serving as a secretary, surgeon general, deputy secretary,
7 undersecretary, or assistant secretary shall receive any additional salary from the
8 state other than that salary which he receives by virtue of serving in any one of such
9 offices. Any statewide elected official appointed to serve as a secretary, deputy
10 secretary, undersecretary, or assistant secretary shall not receive any additional
11 salary from the state other than that salary which he receives as a statewide elected
12 official.

13 * * *

14 §254.4. Surgeon general; office of the surgeon general; functions

15 A. There shall be a surgeon general within the Louisiana Department of
16 Health, office of the surgeon general, who shall be appointed by the governor with
17 consent from the state Senate and who shall serve at the pleasure of the governor at
18 a salary fixed by the governor, which salary shall not exceed the amount approved
19 for such position by the legislature while in session.

20 B. The surgeon general shall be a licensed and practicing physician in this
21 state and shall continue to be so qualified during the term of office. The surgeon
22 general shall be an employee of the Louisiana Department of Health.

23 C. The surgeon general shall serve as the chief medical officer of the
24 Louisiana Department of Health and the state's leading advocate for wellness and
25 disease prevention. The surgeon general shall serve as the state health officer.

26 D. The surgeon general shall have the responsibility to provide medical and
27 clinical guidance and recommendations to the department, as well as directly to the
28 governor when requested. The surgeon general shall perform the functions provided
29 in this Title under the general control and supervision of the governor.

1 E. The surgeon general shall direct and be responsible for the functions of
 2 the office of the surgeon general within the Louisiana Department of Health.

3 F. The duties and functions of the surgeon general and the office of the
 4 surgeon general shall be in accordance with the provisions of this Section and these
 5 functions and duties shall not be subject to change by the secretary.

6 G. The office of the surgeon general in the Louisiana Department of Health
 7 shall carry out its purpose as provided in R.S. 36:258 and the duties and functions
 8 provided in this Section. The office of the surgeon general shall do all of the
 9 following:

10 (1) Collect, manage, and analyze health data and statistics to formulate
 11 public health policy and planning for this state.

12 (2) Promote the health of all residents and visitors in this state.

13 (3) Coordinate with other agencies, offices, medical schools, boards,
 14 commissions, task forces, and other associations on healthcare initiatives for this
 15 state.

16 (4) Provide an annual report to the governor, legislature, and secretary of the
 17 Louisiana Department of Health, recommending priorities and initiatives for
 18 improving healthcare provisions and outcomes for all residents of this state, across
 19 all populations and age groups. The office of the surgeon general shall provide such
 20 report no later than May first of each year, beginning May 1, 2025.

21 * * *

22 §257. Assistant secretaries

23 A. Each office within the Louisiana Department of Health, except the office
 24 of management and finance ~~and the office of the surgeon general,~~ shall be under the
 25 immediate supervision and direction of an assistant secretary, who shall be appointed
 26 by the governor with consent of the Senate. Each shall serve at the pleasure of the
 27 governor and shall be paid a salary which shall be fixed by the governor, which
 28 salary shall not exceed the amount approved for such position by the legislature
 29 while in session.

30 * * *

1 §258. Offices; purposes and functions

2 * * *

3 M. The office of the surgeon general shall be responsible for leading and
4 coordinating efforts of the Louisiana Department of Health that are intended to
5 provide clinical and medical guidance and recommendations to improve health
6 outcomes for all residents of this state, across all populations and age groups. The
7 department may consolidate efforts on healthcare provisions and outcomes for all
8 programs within the department as deemed appropriate by the secretary of the
9 department after consultation with the surgeon general.

10 Section 2. R.S. 40:2 and 1281.1(introductory paragraph) and (8) are hereby amended
11 and reenacted to read as follows:

12 §2. State health officer

13 ~~The state health officer shall be a licensed and practicing physician in the~~
14 ~~state of Louisiana and continue to be so qualified during his term of office. He shall~~
15 ~~be a full time employee of the Louisiana Department of Health. The secretary of the~~
16 ~~Louisiana Department of Health may designate any department employee, including~~
17 ~~himself, as state health officer. No order, rule, or regulation issued by the state~~
18 ~~health officer shall take effect until it is approved and signed by the secretary. The~~
19 ~~surgeon general appointed by the governor shall serve as the state health officer. The~~
20 ~~surgeon general shall collaborate with the secretary on any order, rule, or regulation~~
21 ~~issued by the state health officer. Any order, rule, or regulation issued by the state~~
22 ~~health officer shall be effective upon signature.~~

23 * * *

24 §1281.1. Definitions

25 As used in this Subpart, the following terms ~~shall~~ have the meaning ascribed
26 in this Section:

27 * * *

1 (8) "State health officer" means the ~~secretary of the Louisiana Department~~
 2 ~~of Health, hereinafter referred to as the "department", or his designee~~ surgeon
 3 general appointed by the governor as provided in R.S. 40:2.

4 * * *

5 Section 3. R.S. 42:1123.2(D)(6) is hereby enacted to read as follows:

6 §1123.2. Exception; certain positions at the Louisiana Department of Health

7 * * *

8 D. For purposes of this Section, "exempted physician" means a licensed
 9 Louisiana physician who is employed by or who has contracted with the Louisiana
 10 Department of Health or an agency thereof to serve in any of the following positions:

11 * * *

12 (6) The surgeon general of the office of the surgeon general.

13 * * *

14 Section 4. This Act shall become effective upon signature by the governor or, if not
 15 signed by the governor, upon expiration of the time for bills to become law without signature
 16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 18 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____