

ACT No. 739

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 (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: _____