

Regular Session, 2014

HOUSE BILL NO. 754

BY REPRESENTATIVE MORENO

DRUGS/CONTROLLED: Authorizes first responders to carry naloxone

1 AN ACT

2 To enact R.S. 40:978.1, relative to the prescribing of controlled dangerous substances; to
3 authorize a first responder to receive a prescription for naloxone; to authorize the
4 first responder to administer naloxone to a third party; to limit liability for the
5 administration of naloxone by a first responder; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:978.1 is hereby enacted to read as follows:

8 §978.1. Naloxone; first responder; prescription; administration to third party;

9 limitation of liability

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

11 (1) "First responder" means any of the following:

12 (a) A peace officer as defined in R.S. 40:2402.

13 (b) A firefighter regularly employed by a fire department of any
14 municipality, parish, or fire protection district of the state of Louisiana, or any
15 volunteer fireman of the state of Louisiana.

16 (c) Emergency medical personnel licensed pursuant to R.S. 40:1231.

17 (2) "Law enforcement agency" means an agency of a federally recognized
18 Indian tribe or band or a state or political subdivision of a state, whose purpose is the
19 detection and prevention of crime and enforcement of laws or ordinances.

1 (3) "Opioid-related drug overdose" means a condition including extreme
2 physical illness, decreased level of consciousness, respiratory depression, coma, or
3 the ceasing of respiratory or circulatory function resulting from the consumption or
4 use of an opioid, or another substance with which an opioid was combined.

5 B. A first responder may receive a prescription for naloxone or another
6 opioid antagonist, maintain the naloxone or other opioid antagonist in the first
7 responder's possession, and administer the naloxone or other opioid antagonist to any
8 individual who is undergoing or who is believed to be undergoing an opioid-related
9 drug overdose.

10 C. A first responder shall keep a record of each instance in which the first
11 responder administers naloxone or another opioid antagonist to an individual who
12 is undergoing or who is believed to be undergoing an opioid-related drug overdose.

13 D. A law enforcement agency or fire department may enter into a written
14 agreement to affiliate with an ambulance service provider or a physician for all of
15 the following purposes:

16 (1) Obtaining a supply of naloxone or another opioid antagonist.

17 (2) Allowing law enforcement officers and firefighters to obtain the training
18 necessary to safely and properly administer naloxone or another opioid antagonist
19 to individuals who are undergoing or who are believed to be undergoing an
20 opioid-related drug overdose.

21 E. A first responder who, reasonably believing another person to be
22 undergoing an opioid-related drug overdose, administers naloxone or another opioid
23 antagonist to that person shall be immune from civil liability, criminal prosecution,
24 or disciplinary or other adverse action under any professional licensing statute for
25 any outcomes resulting from the administration of the naloxone or another opioid
26 antagonist to that person, unless personal injury results from the gross negligence or
27 willful or wanton misconduct of the first responder administering the drug.

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)]

Moreno

HB No. 754

Abstract: Authorizes first responders to carry naloxone and administer it to a third party who is undergoing an opioid-related drug overdose.

Proposed law defines "first responder" as any of the following:

- (1) Any full-time employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but not including any elected or appointed head of a law enforcement department.
- (2) A firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state of Louisiana, or any volunteer fireman of the state of Louisiana.
- (3) Emergency medical personnel licensed pursuant to the laws of this state.

Proposed law defines "opioid-related drug overdose" as a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

Proposed law authorizes a first responder to receive a prescription for naloxone or another opioid antagonist, maintain the naloxone or other opioid antagonist in the first responder's possession, and administer the naloxone or another opioid antagonist to any individual who is undergoing or who is believed to be undergoing an opioid-related drug overdose.

Proposed law requires the first responder to keep a record of each instance in which the first responder administers naloxone or another opioid antagonist to an individual who is undergoing or who is believed to be undergoing an opioid-related drug overdose.

Proposed law authorizes a law enforcement agency or fire department to enter into a written agreement to affiliate with an ambulance service provider or a physician for all of the following purposes:

- (1) Obtaining a supply of naloxone or another opioid antagonist.
- (2) Allowing law enforcement officers and firefighters to obtain the training necessary to safely and properly administer naloxone or another opioid antagonist to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose.

Proposed law provides immunity from civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute to a first responder who, reasonably believing another person to be undergoing an opioid-related drug overdose, administers naloxone or another opioid antagonist to that person for any outcomes resulting from the administration of the naloxone or another opioid antagonist to that person, unless

personal injury results from the gross negligence or willful or wanton misconduct of the first responder administering the drug.

(Adds R.S. 40:978.1)