

Regular Session, 2014

HOUSE BILL NO. 754

BY REPRESENTATIVES MORENO, BADON, WESLEY BISHOP, BROSSETT, HENRY  
BURNS, BURRELL, EDWARDS, HARRISON, LEBAS, LEGER, ST. GERMAIN,  
AND WILLMOTT

DRUGS/CONTROLLED: Authorizes first responders to carry naloxone

1 AN ACT

2 To enact R.S. 40:978.1, relative to the prescribing and administering of an opioid antagonist  
3 for overdoses of controlled dangerous substances; to authorize a first responder to  
4 receive a prescription for naloxone; to authorize the first responder to administer  
5 naloxone to a third party; to limit liability for the administration of naloxone by a  
6 first responder; to require training prior to receiving a prescription for naloxone; to  
7 require promulgation of best practices; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §978.1. Naloxone; first responder; prescription; administration to third party;

11 limitation of liability

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

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

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

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

18 (c) An EMS practitioner as defined in R.S. 40:1231.

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

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

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

13           C.(1) Before receiving a prescription for naloxone or another opioid  
14           antagonist pursuant to this Section, a first responder shall complete the training  
15           necessary to safely and properly administer naloxone or another opioid antagonist  
16           to individuals who are undergoing or who are believed to be undergoing an  
17           opioid-related drug overdose. The training, at a minimum, shall cover all of the  
18           following:

19           (a) Techniques on how to recognize symptoms of an opioid-related overdose.

20           (b) Standards and procedures for the storage and administration of naloxone  
21           or another opioid antagonist.

22           (c) Emergency follow-up procedures.

23           (2) A first responder shall keep a record of each instance in which the first  
24           responder administers naloxone or another opioid antagonist to an individual who  
25           is undergoing or who is believed to be undergoing an opioid-related drug overdose.

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

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

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

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

12           F. The deputy secretary of public safety services of the Department of Public  
 13           Safety and Corrections shall develop and promulgate, in accordance with the  
 14           Administrative Procedure Act, a set of best practices for use by a fire department or  
 15           law enforcement agency in the administration and enforcement of this Section  
 16           including but not limited to the training necessary to safely and properly administer  
 17           naloxone or another opioid antagonist to individuals who are undergoing or who are  
 18           believed to be undergoing an opioid-related drug overdose, the standards and  
 19           procedures for the storage and administration of naloxone or another opioid  
 20           antagonist, and emergency follow-up procedures.

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#### 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)]

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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) An EMS practitioner 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 a first responder, before receiving a prescription for naloxone or another opioid antagonist, to complete 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 requires the training, at a minimum, to cover all of the following:

- (1) Techniques on how to recognize symptoms of an opioid-related overdose.
- (2) Standards and procedures for the storage and administration of naloxone or another opioid antagonist.
- (3) Emergency follow-up procedures.

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.

Proposed law requires the Dept. of Public Safety and Corrections to develop and promulgate a set of best practices for use by a fire department or law enforcement agency in the administration and enforcement of proposed law including but not limited to 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, the standards and procedures for the storage and administration of naloxone or another opioid antagonist, and emergency follow-up procedures.

(Adds R.S. 40:978.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Required first responders to receive training prior to receiving a prescription for naloxone.
3. Required the Dept. of Public Safety and Corrections to promulgate a set of best practices.