

ACT No. 253

Regular Session, 2014

HOUSE BILL NO. 754

BY REPRESENTATIVES MORENO, BADON, WESLEY BISHOP, HENRY BURNS, BURRELL, EDWARDS, HARRISON, LEBAS, LEGER, ST. GERMAIN, AND WILLMOTT AND SENATORS BUFFINGTON, DORSEY-COLOMB, HEITMEIER, AND MILLS

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.

19 (2) "Law enforcement agency" means an agency of a federally recognized
20 Indian tribe or band or a state or political subdivision of a state, whose purpose is the
21 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.(1) Before receiving a prescription for naloxone or another opioid
11 antagonist pursuant to this Section, a first responder shall complete the training
12 necessary to safely and properly administer naloxone or another opioid antagonist
13 to individuals who are undergoing or who are believed to be undergoing an
14 opioid-related drug overdose. The training, at a minimum, shall cover all of the
15 following:

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

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

19 (c) Emergency follow-up procedures.

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____