

2016 Regular Session

HOUSE BILL NO. 1007

BY REPRESENTATIVES MORENO AND WILLMOTT

DRUGS: Provides relative to the storing and dispensing of naloxone and other opioid antagonists

1 AN ACT

2 To amend and reenact R.S. 40:978.2(C)(1) and (D) through (F) and to enact R.S.
3 40:978.2(G) and (H), relative to opioid antagonists; to authorize the storage and
4 dispensing of opioid antagonists under certain conditions; to authorize any person
5 to possess an opioid antagonist; to provide for an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:978.2(C)(1) and (D) through (F) are hereby amended and
9 reenacted and R.S. 40:978.2(G) and (H) are hereby enacted to read as follows:

10 §978.2. Naloxone; prescription; dispensing; administration by third party; limitation
11 of liability

12 * * *

13 C.(1)(a) A licensed pharmacist shall dispense naloxone or another opioid
14 antagonist prescribed, directly or by standing order, by a licensed medical
15 practitioner pursuant to this Section.

16 (b) A licensed pharmacist may dispense naloxone or another opioid
17 antagonist pursuant to a nonpatient-specific standing order as provided for in rules
18 promulgated by the Louisiana Board of Pharmacy.

19 * * *

20 D. Notwithstanding any other provision of law or regulation, a person or
21 organization acting pursuant to a standing order issued by a healthcare professional

1 who is authorized to prescribe naloxone or another opioid antagonist may store
2 naloxone or another opioid antagonist and may dispense naloxone or another opioid
3 antagonist if such activities are performed without charge or compensation.

4 E. Notwithstanding any other provision of law or regulation, any person may
5 lawfully possess naloxone or another opioid antagonist.

6 F. A person acting in good faith who, pursuant to the provisions of this
7 Section, receives and administers naloxone or another opioid antagonist to a person
8 reasonably believed to be undergoing an opioid-related drug overdose shall be
9 immune from criminal and civil liability for the administration, unless personal
10 injury results from the gross negligence or willful or wanton misconduct in the
11 administration of the drug.

12 E. G. The department shall develop and promulgate a set of best practices
13 for use by a licensed medical practitioner pursuant to this Section including but not
14 limited to the training necessary to safely and properly administer naloxone or
15 another opioid antagonist to individuals who are undergoing or who are believed to
16 be undergoing an opioid-related drug overdose, the standards and procedures for the
17 storage and administration of naloxone or another opioid antagonist, and emergency
18 follow-up procedures.

19 F. H. For the purposes of this Section the following definitions apply:

20 (1) "Department" means the Department of Health and Hospitals.

21 (2) "Licensed medical practitioner" means a physician or other healthcare
22 practitioner licensed, certified, registered, or otherwise authorized to perform
23 specified healthcare services consistent with state law.

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

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

- 1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.
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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)]

HB 1007 Reengrossed

2016 Regular Session

Moreno

Abstract: Authorizes the storage and dispensing of an opioid antagonist if done without charge or compensation.

Present law provides for the prescribing and dispensing of naloxone or another opioid antagonist to a third party who is not the individual to whom the opioid antagonist will be administered.

Proposed law retains present law and further authorizes a person or organization acting pursuant to a standing order issued by a healthcare professional who is authorized to prescribe naloxone or another opioid antagonist to store naloxone or another opioid antagonist and dispense naloxone or another opioid antagonist if such activities are performed without charge or compensation.

Proposed law authorizes any person to lawfully possess naloxone or another opioid antagonist.

Present law requires a licensed pharmacist to dispense naloxone or another opioid antagonist prescribed, directly or by standing order, by a licensed medical practitioner.

Proposed law retains present law and authorizes a licensed pharmacist to dispense naloxone or another opioid antagonist pursuant to a nonpatient-specific standing order as provided for in rules promulgated by the La. Board of Pharmacy.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:978.2(C)(1) and (D)-(F); Adds R.S. 40:978.2(G) and (H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Authorize a licensed pharmacist to dispense naloxone or another opioid antagonist without a prescription.
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Change the authorization to dispense naloxone without a prescription to an authorization to dispense pursuant to a nonpatient-specific standing order.