

ACT No. 370

2016 Regular Session

HOUSE BILL NO. 1007

BY REPRESENTATIVES MORENO AND WILLMOTT

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

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

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

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1 D. Notwithstanding any other provision of law or regulation, a person or
 2 organization acting pursuant to a standing order issued by a healthcare professional
 3 who is authorized to prescribe naloxone or another opioid antagonist may store
 4 naloxone or another opioid antagonist and may dispense naloxone or another opioid
 5 antagonist if such activities are performed without charge or compensation.

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

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

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

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

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

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

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

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____