

2019 Regular Session

HOUSE BILL NO. 243

BY REPRESENTATIVES DUSTIN MILLER AND WHITE

1 AN ACT

2 To amend and reenact R.S. 40:34(C) and R.S. 44:4.1(B)(26) and to enact R.S. 40:4(A)(14)  
3 and 978.2.1, relative to enhancing data reporting of fatal and nonfatal opioid-related  
4 overdoses; to provide for the reporting, tracking, and monitoring of opioid-related  
5 overdoses by emergency departments; to require reporting by coroners of opioid-  
6 related overdose deaths where opioids are present; to authorize first responders to  
7 report opioid-related overdoses; to provide for a public records exception; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:34(C) is hereby amended and reenacted and R.S. 40:4(A)(14) and  
11 978.2.1 are hereby enacted to read as follows:

12 §4. Sanitary Code

13 A. The state health officer acting through the office of public health of the  
14 Louisiana Department of Health shall prepare, promulgate, and enforce rules and  
15 regulations embodied within the state's Sanitary Code covering all matters within his  
16 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary  
17 Code shall be accomplished in strict accordance with the provisions of the  
18 Administrative Procedure Act, and further, in conformity with the following  
19 guidelines and directives:

20 \* \* \*

21 (14) In order to better track opioid-related overdoses and to provide timely  
22 interventions, the rules and regulations of the sanitary code shall provide for  
23 reporting by emergency departments of chief complaints, admit reasons, and  
24 discharge diagnosis data relating to suspected opioid-related overdoses.

25 \* \* \*

1 §34. Vital records forms

2 \* \* \*

3 C.(1) Each coroner or physician who signs a death certificate shall certify the  
4 certificate using the Louisiana Electronic Event Registration System of the Louisiana  
5 Department of Health, state registrar of vital records.

6 (2) Each coroner shall report drug overdose deaths where the decedent's  
7 toxicology results indicate that an opioid was present at the time of death and related  
8 to the overdose. The reporting shall be entered into the Louisiana Electronic Event  
9 Registration System of the Louisiana Department of Health, state registrar of vital  
10 records.

11 \* \* \*

12 §978.2.1. Reporting of opioid-related overdoses

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

14 (1) "First responders" means the first arriving organized responders with the  
15 capability and mission to contain, mitigate, and resolve the emergency at hand such  
16 as but not limited to ambulance services, emergency medical service providers, or  
17 law enforcement.

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

23 B. First responders may provide reports or documents to the Louisiana  
24 Department of Health, office of public health, related to dispatches where an  
25 encountered individual was experiencing an opioid-related drug overdose and  
26 whether naloxone was administered. The office of public health shall treat any such  
27 reports or documents as confidential and such documents shall not be subject to  
28 release pursuant to a public records request or subpoena to the Louisiana Department  
29 of Health or the office of public health.

30 \* \* \*

1 Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

2 §4.1. Exceptions

3 \* \* \*

4 B. The legislature further recognizes that there exist exceptions, exemptions,  
5 and limitations to the laws pertaining to public records throughout the revised  
6 statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
7 limitations are hereby continued in effect by incorporation into this Chapter by  
8 citation:

9 \* \* \*

10 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 978.2.1, 1007,  
11 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4,  
12 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020,  
13 2106, 2138, 2532, 2845.1

14 \* \* \*

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_