SLS 202ES-75

2020 Second Extraordinary Session

SENATE BILL NO. 60

BY SENATOR MIZELL

HEALTH CARE. Provides relative to opioid prescriptions. (gov sig) (Item #28)

1	AN ACT
2	To amend and reenact R.S. 40:978(F)(1), relative to opioid prescription medications; to
3	provide for the use of the prescription monitoring program; to provide for the use of
4	the prescription monitoring program when prescribing opioid medications; to
5	provide as it relates to exemptions; to provide for an effective date; and to provide
6	for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. The Centers for Disease Control and Prevention has stated that drug
9	overdose deaths and opioid-involved deaths continue to increase in the United States, with
10	the majority of drug overdose deaths involving an opioid. Since 1999, the number of
11	overdose deaths involving opioids, including prescription opioids and heroin, have
12	quadrupled. From 2000 to 2015, more than half a million people died from drug overdoses,
13	and the Centers for Disease Control and Prevention indicates that ninety-one Americans die
14	every day from an opioid overdose.
15	As a result of the continued consequences of the opioid crisis affecting our nation,
16	on July 12, 2020, Alex M. Azar II, United States Secretary of Health and Human Services,
17	pursuant to the authority vested in him by Section 319 of the Public Health Service Act,

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	renewed the October 26, 2017, determination by Acting Secretary Eric D. Hargan that a
2	public health emergency exists nationwide as a result of the consequences of the opioid
3	crisis.
4	The Legislature of Louisiana hereby finds it is imperative to protect and assist
5	Louisiana residents during this public health emergency if the state is to move forward and
6	realize its potential in the future. The legislature does hereby recognize its obligation to
7	promote public health by providing for the necessary resources in the fight against this
8	nation's opioid crisis.
9	Section 2. R.S. $40:978(F)(1)$ is hereby amended and reenacted to read as follows:
10	§978. Prescriptions
11	* * *
12	F.(1) A prescriber or his delegate shall access and review the patient's record
13	in the prescription monitoring program established in R.S. 40:1001 et seq. prior to
14	initially prescribing any opioid to a patient, and shall access the prescription
15	monitoring program and review the patient's record at least every ninety days if the
16	patient's course of treatment continues for more than ninety days. The requirement
17	established in this Subsection shall not apply in the following instances:
18	(a) The drug is prescribed or administered to a hospice patient or to any other
19	patient who has been diagnosed as terminally ill.
20	(b) The drug is prescribed or administered for the treatment of cancer-related
21	chronic or intractable pain.
22	(c) The drug is ordered or administered to a patient being treated in a
23	hospital.
24	(d) The prescription monitoring program is inaccessible or not functioning
25	properly due to an internal or external electronic issue. However, the The prescriber
26	or his delegate, however, shall check the prescription monitoring program once
27	electronic accessibility has been restored and note the cause for the delay in the
28	patient's chart.
29	(e) No more than a single seven-day supply of the drug is prescribed or

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 60 Original

2020 Second Extraordinary Session

Mizell

Present law provides for the use of the prescription monitoring program (PMP), which is a computer data base that allows medical practitioners and pharmacists to have access to a patient's controlled substance prescription history information. Present law provides for automatic enrollment into the PMP upon initial licensure or upon annual renewal of a prescriber's controlled dangerous substance license.

Present law provides that a prescriber must access the PMP when prescribing an opioid and review the patient's record at least every 90 days if the patient's course of treatment continues for more than 90 days. Present law further provides for exceptions that do not require the PMP to be accessed under the following instances:

- (1) The opioid drug is prescribed or administered to a hospice or terminally-ill patient.
- (2)The opioid is prescribed or administered for the treatment of cancer-related chronic or intractable pain.
- (3) The opioid is ordered or administered to a patient being treated in a hospital.
- (4) The PMP is inaccessible or not functioning properly due to an internal or external electronic issue. Present law requires the prescriber or his delegate, however, to check the PMP once electronic accessibility has been restored and note the cause for the delay in the patient's chart.
- (5) No more than a single seven-day supply of an opioid is prescribed or administered to a patient.

Proposed law retains present law but removes the exception which exempts medical practitioners from the requirement to check the PMP when the opioid prescription is written for no more than a single seven-day supply. Proposed law requires a medical practitioner to access the PMP when prescribing an opioid, regardless of whether the opioid will be prescribed for less or more than seven days, except when the PMP is inaccessible or not functioning or the patient has cancer or is terminally ill.

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

(Amends R.S. 40:978(F)(1))