

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,

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~~

