

2015 Regular Session

HOUSE BILL NO. 210

BY REPRESENTATIVES MORENO AND WILLMOTT

1 AN ACT

2 To enact R.S. 40:978.2, relative to the treatment for overdose of controlled dangerous  
3 substances; to require pharmacists to dispense naloxone; to limit liability for  
4 prescribing or dispensing naloxone; to authorize the receipt and administration of  
5 a naloxone prescription by a third party; to limit liability for the administration of  
6 naloxone by a third party; to provide for definitions; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:978.2 is hereby enacted to read as follows:

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

12 A. A licensed medical practitioner may, directly or by standing order,  
13 prescribe or dispense the drug naloxone or another opioid antagonist without having  
14 examined the individual to whom it may be administered if both of the following  
15 conditions are met:

16 (1) The licensed medical practitioner provides the individual receiving and  
17 administering the naloxone or other opioid antagonist all training required by the  
18 department for the safe and proper administration of naloxone or another opioid  
19 antagonist to individuals who are undergoing or who are believed to be undergoing  
20 an opioid-related drug overdose. The training, at a minimum, shall address all of the  
21 following:

22 (a) Techniques on how to recognize signs of an opioid-related overdose.

23 (b) Standards and procedures for the storage and administration of naloxone  
24 or another opioid antagonist.

1           (c) Emergency follow-up procedures including the requirement to summon  
2           emergency services either immediately before or immediately after administering the  
3           naloxone or other opioid antagonist to an individual apparently experiencing an  
4           opioid-related overdose.

5           (2) The naloxone or other opioid antagonist is prescribed or dispensed in  
6           such a manner that it shall be administered through a device approved for this  
7           purpose by the United States Food and Drug Administration.

8           B. A licensed medical practitioner who, in good faith, prescribes or  
9           dispenses naloxone or another opioid antagonist pursuant to Subsection A of this  
10          Section shall not, as a result of any act or omission, be subject to civil liability,  
11          criminal prosecution, or disciplinary or other adverse action under any professional  
12          licensing statute.

13          C.(1) 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          (2) A licensed pharmacist who, in good faith, dispenses naloxone or another  
17          opioid antagonist pursuant to this Subsection shall not, as a result of any act or  
18          omission, be subject to civil liability, criminal prosecution, or disciplinary or other  
19          adverse action under any professional licensing statute.

20          D. A person acting in good faith who, pursuant to the provisions of this  
21          Section, receives and administers naloxone or another opioid antagonist to a person  
22          reasonably believed to be undergoing an opioid-related drug overdose shall be  
23          immune from criminal and civil liability for the administration, unless personal  
24          injury results from the gross negligence or willful or wanton misconduct in the  
25          administration of the drug.

26          E. The department shall develop and promulgate a set of best practices for  
27          use by a licensed medical practitioner pursuant to this Section including but not  
28          limited to the training necessary to safely and properly administer naloxone or  
29          another opioid antagonist to individuals who are undergoing or who are believed to  
30          be undergoing an opioid-related drug overdose, the standards and procedures for the

1 storage and administration of naloxone or another opioid antagonist, and emergency  
2 follow-up procedures.

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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