

2016 Regular Session

HOUSE BILL NO. 1007

BY REPRESENTATIVE MORENO

DRUGS: Provides relative to the storing and dispensing of naloxone and other opioid antagonists

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:978.2(D) through (F) are hereby amended and reenacted and R.S.
8 40:978.2(G) and (H) are hereby enacted to read as follows:

9 §978.2. Naloxone; prescription; dispensing; administration by third party; limitation
10 of liability

11 * * *

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

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

19 F. A person acting in good faith who, pursuant to the provisions of this
20 Section, receives and administers naloxone or another opioid antagonist to a person

1 reasonably believed to be undergoing an opioid-related drug overdose shall be
2 immune from criminal and civil liability for the administration, unless personal
3 injury results from the gross negligence or willful or wanton misconduct in the
4 administration of the drug.

5 E. G. The department shall develop and promulgate a set of best practices
6 for use by a licensed medical practitioner pursuant to this Section including but not
7 limited to the training necessary to safely and properly administer naloxone or
8 another opioid antagonist to individuals who are undergoing or who are believed to
9 be undergoing an opioid-related drug overdose, the standards and procedures for the
10 storage and administration of naloxone or another opioid antagonist, and emergency
11 follow-up procedures.

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

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

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

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

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1007 Original

2016 Regular Session

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Abstract: Authorizes the storage and dispensing of an opioid antagonist if done without charge or compensation.

Present law provides for the prescribing and dispensing of naloxone or another opioid antagonist to a third party who is not the individual to whom the opioid antagonist will be administered.

Proposed law retains present law and further authorizes a person or organization acting pursuant to a standing order issued by a healthcare professional who is authorized to prescribe naloxone or another opioid antagonist to store naloxone or another opioid antagonist and dispense naloxone or another opioid antagonist if such activities are performed without charge or compensation.

Proposed law authorizes any person to lawfully possess naloxone or another opioid antagonist.

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

(Amends R.S. 40:978.2(D)-(F); Adds R.S. 40:978.2(G) and (H))