

**ACT No. 370**

2016 Regular Session

HOUSE BILL NO. 1007

BY REPRESENTATIVES MORENO AND WILLMOTT

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AN ACT

To amend and reenact R.S. 40:978.2(C)(1) and (D) through (F) and to enact R.S. 40:978.2(G) and (H), relative to opioid antagonists; to authorize the storage and dispensing of opioid antagonists under certain conditions; to authorize any person to possess an opioid antagonist; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

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C.(1)(a) A licensed pharmacist shall dispense naloxone or another opioid antagonist prescribed, directly or by standing order, by a licensed medical practitioner pursuant to this Section.

(b) A licensed pharmacist may dispense naloxone or another opioid antagonist pursuant to a nonpatient-specific standing order as provided for in rules promulgated by the Louisiana Board of Pharmacy.

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

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

8           F. A person acting in good faith who, pursuant to the provisions of this  
9           Section, receives and administers naloxone or another opioid antagonist to a person  
10          reasonably believed to be undergoing an opioid-related drug overdose shall be  
11          immune from criminal and civil liability for the administration, unless personal  
12          injury results from the gross negligence or willful or wanton misconduct in the  
13          administration of the drug.

14          ~~E. G.~~ The department shall develop and promulgate a set of best practices  
15          for use by a licensed medical practitioner pursuant to this Section including but not  
16          limited to the training necessary to safely and properly administer naloxone or  
17          another opioid antagonist to individuals who are undergoing or who are believed to  
18          be undergoing an opioid-related drug overdose, the standards and procedures for the  
19          storage and administration of naloxone or another opioid antagonist, and emergency  
20          follow-up procedures.

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

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

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

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

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

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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: \_\_\_\_\_