

ACT No. 378

2024 Regular Session

HOUSE BILL NO. 456

BY REPRESENTATIVES DAVIS, AMEDEE, BAYHAM, BERAULT, BOYD, BRASS, CARPENTER, WILFORD CARTER, CHASSION, EDMONSTON, FISHER, FREEMAN, HILFERTY, HUGHES, LAFLEUR, SCHLEGEL, SELDERS, TAYLOR, WYBLE, AND ZERINGUE

1 AN ACT

2 To amend and reenact R.S. 17:436.1(M) and to enact R.S. 17:436.1(O), relative to the
3 administration of medication at schools; to require rather than authorize schools to
4 adopt policies relative to the administration of naloxone or other opioid antagonists;
5 to provide for the administration of certain life-saving medications at schools; to
6 provide relative to the training of school personnel; to provide relative to a limitation
7 of liability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:436.1(M) is hereby amended and reenacted and R.S. 17:436.1(O)
10 is hereby enacted to read as follows:

11 §436.1. Administration of medication; definition; conditions; restrictions;
12 exceptions

13 * * *

14 M.(1) The governing authority of each public and nonpublic elementary and
15 secondary school ~~may~~ shall adopt a policy that authorizes a school to maintain a
16 supply of naloxone or other opioid antagonists and authorizes a school nurse or other
17 school employee to administer naloxone or another opioid antagonist to any student
18 or other person on school grounds in the event of an actual or perceived opioid

1 emergency. Such a policy shall require that school employees other than school
 2 nurses receive ~~at least six hours of general training, including training on emergency~~
 3 ~~administration, from a registered nurse or a licensed medical physician prior to being~~
 4 ~~authorized to perform such administration.~~ training that addresses techniques on how
 5 to recognize signs of opioid-related overdose, standards and procedures for the
 6 storage and administration of naloxone or another opioid antagonist, and emergency
 7 follow-up procedures, including the requirement to summon emergency services
 8 either immediately before or immediately after administering the naloxone or other
 9 opioid antagonist. ~~A school governing authority that does not adopt such a policy~~
 10 ~~shall not be subject to civil liability for failing to authorize such supply or~~
 11 ~~administration.~~

12 (2) The following are not liable for damages in a civil action for injury,
 13 death, or loss to person or property that allegedly arises from an act or omission
 14 associated with the administration of naloxone or another opioid antagonist, unless
 15 the act or omission constitutes willful or wanton misconduct:

- 16 (a) A public or nonpublic school.
- 17 (b) A public or nonpublic school employee or volunteer.
- 18 (c) A licensed health professional authorized to prescribe medication who
 19 personally furnishes or prescribes naloxone or another opioid antagonist.
- 20 (d) A training organization and its personnel.

21 * * *

22 O.(1) Notwithstanding any other provision of law to the contrary, licensed
 23 health professionals authorized to prescribe medication may prescribe life-saving
 24 medications that are maintained in the name of a school for use in accordance with
 25 Paragraph (3) of this Subsection, licensed pharmacists and physicians may dispense
 26 such medications, and a school may maintain a stock supply of such medications in
 27 accordance with a prescription issued pursuant to this Paragraph. The state
 28 Department of Education shall develop and distribute a list of such medications.

29 (2) As used in this Subsection:

1 (a) "Life-saving medication" means any medication that can be administered
 2 to treat any life-threatening condition.

3 (b) "Trained school personnel" means a school employee or volunteer who
 4 has received the training on life-saving medication that addresses techniques on how
 5 to recognize signs of a life-threatening emergency, standards and procedures for the
 6 storage and administration of the medication, and emergency follow-up procedures,
 7 including the requirement to summon emergency services either immediately before
 8 or immediately after administering the medication.

9 (3) The governing authority of a public or nonpublic school may authorize
 10 school nurses and other trained school personnel to administer life-saving medication
 11 to a student or other person on a school premises or during a school-affiliated
 12 activity whom they believe in good faith to be experiencing a medical emergency in
 13 accordance with a standing protocol of licensed health professionals authorized to
 14 prescribe medication, regardless of whether the student or other person has a
 15 prescription for the medication. Training for the administration of such medication
 16 may be provided by a medical emergency training organization, a registered nurse,
 17 or a licensed physician.

18 (4) The governing authority may enter into arrangements with manufacturers
 19 or suppliers of such medications to obtain them at fair-market, free, or reduced
 20 prices.

21 (5) The following are not liable for damages in a civil action for injury,
 22 death, or loss to person or property that allegedly arises from an act or omission
 23 associated with administration or self-administration of a life-saving medication,
 24 unless the act or omission constitutes willful or wanton misconduct:

- 25 (a) A public or nonpublic school.
- 26 (b) A public or nonpublic school employee or volunteer.
- 27 (c) A licensed health professional authorized to prescribe medication who
 28 personally furnishes or prescribes a life-saving medication.
- 29 (d) A training organization and its personnel.

1 (6) The administration of life-saving medication as provided in this Section
2 does not constitute the practice of medicine or nursing.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____