

Regular Session, 2014

HOUSE BILL NO. 754

BY REPRESENTATIVES MORENO, BADON, WESLEY BISHOP, HENRY BURNS,  
BURRELL, EDWARDS, HARRISON, LEBAS, LEGER, ST. GERMAIN, AND  
WILLMOTT AND SENATORS BUFFINGTON, DORSEY-COLOMB,  
HEITMEIER, AND MILLS

1 AN ACT

2 To enact R.S. 40:978.1, relative to the prescribing and administering of an opioid antagonist  
3 for overdoses of controlled dangerous substances; to authorize a first responder to  
4 receive a prescription for naloxone; to authorize the first responder to administer  
5 naloxone to a third party; to limit liability for the administration of naloxone by a  
6 first responder; to require training prior to receiving a prescription for naloxone; to  
7 require promulgation of best practices; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:978.1 is hereby enacted to read as follows:

10 §978.1. Naloxone; first responder; prescription; administration to third party;

11 limitation of liability

12 A. For the purposes of this Section, the following definitions apply:

13 (1) "First responder" means any of the following:

14 (a) A peace officer as defined in R.S. 40:2402.

15 (b) A firefighter regularly employed by a fire department of any  
16 municipality, parish, or fire protection district of the state of Louisiana, or any  
17 volunteer fireman of the state of Louisiana.

18 (c) An EMS practitioner as defined in R.S. 40:1231.

19 (2) "Law enforcement agency" means an agency of a federally recognized  
20 Indian tribe or band or a state or political subdivision of a state, whose purpose is the  
21 detection and prevention of crime and enforcement of laws or ordinances.

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

5           B. A first responder may receive a prescription for naloxone or another  
6           opioid antagonist, maintain the naloxone or other opioid antagonist in the first  
7           responder's possession, and administer the naloxone or other opioid antagonist to any  
8           individual who is undergoing or who is believed to be undergoing an opioid-related  
9           drug overdose.

10          C.(1) Before receiving a prescription for naloxone or another opioid  
11          antagonist pursuant to this Section, a first responder shall complete the training  
12          necessary to safely and properly administer naloxone or another opioid antagonist  
13          to individuals who are undergoing or who are believed to be undergoing an  
14          opioid-related drug overdose. The training, at a minimum, shall cover all of the  
15          following:

16               (a) Techniques on how to recognize symptoms of an opioid-related overdose.

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

19               (c) Emergency follow-up procedures.

20          (2) A first responder shall keep a record of each instance in which the first  
21          responder administers naloxone or another opioid antagonist to an individual who  
22          is undergoing or who is believed to be undergoing an opioid-related drug overdose.

23          D. A law enforcement agency or fire department may enter into a written  
24          agreement to affiliate with an ambulance service provider or a physician for all of  
25          the following purposes:

26               (1) Obtaining a supply of naloxone or another opioid antagonist.

27               (2) Allowing law enforcement officers and firefighters to obtain the training  
28               necessary to safely and properly administer naloxone or another opioid antagonist  
29               to individuals who are undergoing or who are believed to be undergoing an  
30               opioid-related drug overdose.

1           E. A first responder who, reasonably believing another person to be  
 2           undergoing an opioid-related drug overdose, administers naloxone or another opioid  
 3           antagonist to that person shall be immune from civil liability, criminal prosecution,  
 4           or disciplinary or other adverse action under any professional licensing statute for  
 5           any outcomes resulting from the administration of the naloxone or another opioid  
 6           antagonist to that person, unless personal injury results from the gross negligence or  
 7           willful or wanton misconduct of the first responder administering the drug.

8           F. The deputy secretary of public safety services of the Department of Public  
 9           Safety and Corrections shall develop and promulgate, in accordance with the  
 10           Administrative Procedure Act, a set of best practices for use by a fire department or  
 11           law enforcement agency in the administration and enforcement of this Section  
 12           including but not limited to the training necessary to safely and properly administer  
 13           naloxone or another opioid antagonist to individuals who are undergoing or who are  
 14           believed to be undergoing an opioid-related drug overdose, the standards and  
 15           procedures for the storage and administration of naloxone or another opioid  
 16           antagonist, and emergency follow-up procedures.

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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: \_\_\_\_\_