

2019 Regular Session

HOUSE BILL NO. 243

BY REPRESENTATIVES DUSTIN MILLER AND WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC HEALTH: Provides relative to opioid data reporting

1 AN ACT

2 To amend and reenact R.S. 40:34(C) and R.S. 44:4.1(B)(26) and to enact R.S. 40:4(A)(14)
3 and 978.2.1, relative to enhancing data reporting of fatal and nonfatal opioid-related
4 overdoses; to provide for the reporting, tracking, and monitoring of opioid-related
5 overdoses by emergency departments; to require reporting by coroners of opioid-
6 related overdose deaths where opioids are present; to authorize first responders to
7 report opioid-related overdoses; to provide for a public records exception; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:34(C) is hereby amended and reenacted and R.S. 40:4(A)(14) and
11 978.2.1 are hereby enacted to read as follows:

12 §4. Sanitary Code

13 A. The state health officer acting through the office of public health of the
14 Louisiana Department of Health shall prepare, promulgate, and enforce rules and
15 regulations embodied within the state's Sanitary Code covering all matters within his
16 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
17 Code shall be accomplished in strict accordance with the provisions of the
18 Administrative Procedure Act, and further, in conformity with the following
19 guidelines and directives:

20 * * *

1 encountered individual was experiencing an opioid-related drug overdose and
2 whether naloxone was administered. The office of public health shall treat any such
3 reports or documents as confidential and such documents shall not be subject to
4 release pursuant to a public records request or subpoena to the Louisiana Department
5 of Health or the office of public health.

6 * * *

7 Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

8 §4.1. Exceptions

9 * * *

10 B. The legislature further recognizes that there exist exceptions, exemptions,
11 and limitations to the laws pertaining to public records throughout the revised
12 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
13 limitations are hereby continued in effect by incorporation into this Chapter by
14 citation:

15 * * *

16 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 978.2.1, 1007,
17 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4,
18 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020,
19 2106, 2138, 2532, 2845.1

20 * * *

21 Section 3. This Act shall become effective upon signature by the governor
22 or, if not signed by the governor, upon expiration of the time for bills to become law
23 without signature by the governor, as provided by Article III, Section 18 of the
24 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
25 the legislature, this Act shall become 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 243 Engrossed

2019 Regular Session

Dustin Miller

Abstract: Establishes requirements for reporting and tracking of certain data relating to suspected opioid-related overdoses.

Present law requires the state health officer, acting through the office of public health of the La. Department of Health (LDH), to prepare, promulgate, and enforce rules and regulations embodied within the state's sanitary code. Provides guidelines and directives for promulgation and implementation of the sanitary code.

Proposed law retains present law and adds a requirement that the sanitary code provide for reporting by emergency departments of chief complaints, admit reasons, and discharge diagnosis data relating to suspected opioid-related overdoses.

Present law requires that each coroner or physician who signs a death certificate certify the certificate using the La. Electronic Event Registration System.

Proposed law retains present law and adds a requirement that each coroner report drug overdose deaths where the decedent's toxicology results indicate that an opioid was present at the time of death. Requires that such reports be entered into the La. Electronic Event Registration System.

Proposed law defines "first responders" and "opioid-related drug overdose" for purposes of proposed law.

Proposed law authorizes first responders to provide reports or documents to the LDH office of public health where an encountered individual was experiencing an opioid-related drug overdose and whether naloxone was administered. Provides that such reports and documents are confidential and exempt from the requirements of present law relative to public records, R.S. 44:1 et seq.

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

(Amends R.S. 40:34(C) and R.S. 44:4.1(B)(26); Adds R.S. 40:4(A)(14) and 978.2.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Provide that the rules and regulations of the state sanitary code shall provide for reporting by emergency departments of chief complaints, admit reasons, and discharge diagnosis data relating to suspected opioid-related overdoses.
2. Delete proposed law providing that the state health officer shall have exclusive jurisdiction, control, and authority over the reporting of opioid-related overdoses.