HLS 19RS-169 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 243

1

20

BY REPRESENTATIVE DUSTIN MILLER

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

AN ACT

PUBLIC HEALTH: Provides relative to opioid data reporting

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	5(A)(22), and 978.2.1, relative to enhancing data reporting of fatal and nonfata
4	opioid-related overdoses; to provide for the reporting, tracking, and monitoring or
5	opioid-related overdoses by emergency departments; to require reporting by coroners
6	of opioid-related overdose deaths where opioids are present; to authorize firs
7	responders to report opioid-related overdoses; to provide for a public records
8	exception; and to 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)
11	5(A)(22) and 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:

## Page 1 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(14) In order to better track opioid-related overdoses and to provide timely
2	interventions, the rules and regulations of the sanitary code shall provide for
3	reporting by emergency departments of suspected opioid-related overdoses.
4	* * *
5	§5. General powers and jurisdiction
6	A. The state health officer and the office of public health of the Louisiana
7	Department of Health shall have exclusive jurisdiction, control, and authority:
8	* * *
9	(22) Over the reporting of opioid-related overdoses.
10	* * *
11	§34. Vital records forms
12	* * *
13	C. (1) Each coroner or physician who signs a death certificate shall certify the
14	certificate using the Louisiana Electronic Event Registration System of the Louisiana
15	Department of Health, state registrar of vital records.
16	(2) Each coroner shall report drug overdose deaths where the decedent's
17	toxicology results indicate that an opioid was present at the time of death and related
18	to the overdose. The reporting shall be entered into the Louisiana Electronic Event
19	Registration System of the Louisiana Department of Health, state registrar of vital
20	records.
21	* * *
22	§978.2.1 Reporting of opioid-related overdoses
23	A. For purposes of this Section, the following definitions apply:
24	(1) "First responders" means the first arriving organized responders with the
25	capability and mission to contain, mitigate, and resolve the emergency at hand such
26	as but not limited to ambulance services, emergency medical service providers, or
27	law enforcement.
28	(2) "Opioid-related drug overdose" means a fatal or nonfatal condition
29	including extreme physical illness, decreased level of consciousness, respiratory

1	depression, coma, or the ceasing of respiratory or circulatory function resulting from
2	the consumption or use of an opioid, or another substance with which an opioid was
3	combined.
4	B. First responders may provide reports or documents to the Louisiana
5	Department of Health, office of public health, related to dispatches where an
6	encountered individual was experiencing an opioid-related drug overdose and
7	whether naloxone was administered. The office of public health shall treat any such
8	reports or documents as confidential and such documents shall not be subject to
9	release pursuant to a public records request or subpoena to the Louisiana Department
10	of Health or the office of public health.
11	* * *
12	Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:
13	§4.1. Exceptions
14	* * *
15	B. The legislature further recognizes that there exist exceptions, exemptions,
16	and limitations to the laws pertaining to public records throughout the revised
17	statutes and codes of this state. Therefore, the following exceptions, exemptions, and
18	limitations are hereby continued in effect by incorporation into this Chapter by
19	citation:
20	* * *
21	(26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, <u>978.2.1</u> , 1007,
22	1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4,
23	1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020,
24	2106, 2138, 2532, 2845.1
25	* * *
26	Section 3. This Act shall become effective upon signature by the governor
27	or, if not signed by the governor, upon expiration of the time for bills to become law
28	without signature by the governor, as provided by Article III, Section 18 of the

2

1 Constitution of Louisiana. If vetoed by the governor and subsequently approved by

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 Original

2019 Regular Session

Dustin Miller

**Abstract:** Adds requirements as it relates to opioid data reporting, monitoring, and tracking.

<u>Present law</u> requires that the state health officer acting through the office of public health of the La. Department of Health (LDH) shall prepare, promulgate, and enforce rules and regulations embodied within the state's Sanitary Code covering all matters within his jurisdiction.

Present law further provides guidelines and directives in carrying out the Sanitary Code.

<u>Proposed law</u> adds to those guidelines and directives a requirement for real-time reporting by emergency departments of suspected opioid-related overdoses.

Present law provides for the general powers and jurisdiction of the state health offices.

<u>Proposed law</u> adds the reporting of opioid-related overdoses to the state health officer's jurisdiction.

<u>Present law</u> requires that each coroner or physician who signs a death certificate certify the certificate using the Louisiana Electronic Event Registration System of the Louisiana Department of Health, state registrar of vital records.

<u>Proposed law</u> requires that each coroner report drug overdose deaths where the decedent's toxicology results indicate that an opioid was present at the time of death.

Proposed law defines "first responders" and "opioid-related drug overdose".

<u>Proposed law</u> provides that first responders may provide reports or documents to LDH where an encountered individual was experiencing an opioid-related drug overdose and whether naloxone was administered.

<u>Proposed law</u> provides that such reports are confidential and exempt from Public Records Law.

Effective upon signature of the 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), 5(A)(22), and 978.2.1)