HLS 19RS-169 ENGROSSED

2019 Regular Session

HOUSE BILL NO. 243

1

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BY REPRESENTATIVES DUSTIN MILLER AND WHITE

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 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:

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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 chief complaints, admit reasons, and
4	discharge diagnosis data relating to suspected opioid-related overdoses.
5	* * *
6	§34. Vital records forms
7	* * *
8	C.(1) Each coroner or physician who signs a death certificate shall certify the
9	certificate using the Louisiana Electronic Event Registration System of the Louisiana
10	Department of Health, state registrar of vital records.
11	(2) Each coroner shall report drug overdose deaths where the decedent's
12	toxicology results indicate that an opioid was present at the time of death and related
13	to the overdose. The reporting shall be entered into the Louisiana Electronic Event
14	Registration System of the Louisiana Department of Health, state registrar of vital
15	records.
16	* * *
17	§978.2.1. Reporting of opioid-related overdoses
18	A. For purposes of this Section, the following definitions apply:
19	(1) "First responders" means the first arriving organized responders with the
20	capability and mission to contain, mitigate, and resolve the emergency at hand such
21	as but not limited to ambulance services, emergency medical service providers, or
22	law enforcement.
23	(2) "Opioid-related drug overdose" means a fatal or nonfatal condition
24	including extreme physical illness, decreased level of consciousness, respiratory
25	depression, coma, or the ceasing of respiratory or circulatory function resulting from
26	the consumption or use of an opioid, or another substance with which an opioid was
27	combined.
28	B. First responders may provide reports or documents to the Louisiana
29	Department of Health, office of public health, related to dispatches where an

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, <u>978.2.1</u> , 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.

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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.

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

<u>Proposed law</u> retains <u>present law</u> 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.

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

<u>Proposed law</u> 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 <u>present law</u> 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 <u>House Committee on Health and Welfare</u> 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 <u>proposed law</u> providing that the state health officer shall have exclusive jurisdiction, control, and authority over the reporting of opioid-related overdoses.