

2024 Regular Session

HOUSE BILL NO. 456

BY REPRESENTATIVES DAVIS, AMEDEE, BRASS, CARPENTER, EDMONSTON,  
AND HILFERTY

EDUCATION: Provides relative to the administration of medication at school

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  
19 emergency. Such a policy shall require that school employees other than school  
20 nurses receive ~~at least six hours of general training, including training on emergency~~

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

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

14 (a) A public or nonpublic school.

15 (b) A public or nonpublic school employee or volunteer.

16 (c) A licensed health professional authorized to prescribe medication who  
17 personally furnishes or prescribes naloxone or another opioid antagonist.

18 (d) A training organization and its personnel.

19 \* \* \*

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

27 (2) As used in this Subsection:

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

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

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

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

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

23                 (a) A public or nonpublic school.

24                 (b) A public or nonpublic school employee or volunteer.

25                 (c) A licensed health professional authorized to prescribe medication who  
26                 personally furnishes or prescribes a life-saving medication.

27                 (d) A training organization and its personnel.

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

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**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)]

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HB 456 Engrossed

2024 Regular Session

Davis

**Abstract:** Provides relative to the administration of medication at schools.

Present law authorizes each public and nonpublic school governing authority to adopt a policy authorizing a school to maintain a supply of naloxone or other opioid antagonists and authorizing school employees to administer them in an opioid emergency. Proposed law requires rather than authorizes the adoption of this policy.

Present law provides that a school governing authority that does not adopt such a policy shall not be subject to civil liability for failing to authorize such supply or administration. Proposed law instead provides a limitation of liability on schools, employees, volunteers, health professionals, and training organizations.

Proposed law further authorizes the administration of any life-saving medication at schools and applies the same limitation of liability. Requires the state Dept. of Education to develop and distribute a list of such medications. Authorizes training for administration of such medication to be provided by a medical emergency training organization, a registered nurse, or a licensed physician.

(Amends R.S. 17:436.1(M); Adds R.S. 17:436.1(O))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add requirement that the state Dept. of Education develop and distribute a list of life-saving medications.
2. Add that training in the administration of such medications may be provided by a medical emergency training organization, a registered nurse, or a licensed physician.