

Regular Session, 2014

HOUSE BILL NO. 755

BY REPRESENTATIVE MORENO

DRUGS/CONTROLLED: Authorizes the administration of naloxone by a third party

1 AN ACT

2 To enact R.S. 40:978.1, relative to the prescribing of controlled dangerous substances; to
3 limit liability for prescribing naloxone; to authorize the receipt and administration
4 of a naloxone prescription by a third party; to limit liability for the administration of
5 naloxone by a third party; to provide for exceptions; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §978.1. Naloxone; prescription; administration by third party; liability

10 A. A licensed medical practitioner who, acting in good faith, directly or by
11 standing order, prescribes or dispenses the drug naloxone or another opioid
12 antagonist to a patient at risk of experiencing an opiate-related overdose or a family
13 member or friend of a patient at risk of experiencing an opiate-related overdose who,
14 in the judgment of the medical practitioner, is capable of administering the drug for
15 an emergency opiate-related overdose, shall not, as a result of any act or omission,
16 be subject to civil liability, criminal prosecution, or disciplinary or other adverse
17 action under any professional licensing statute.

18 B. As an indicator of good faith, the medical practitioner, prior to prescribing
19 naloxone or another opioid antagonist pursuant to this Section, shall require receipt
20 of a written communication that provides a factual basis for a reasonable conclusion
21 as to either of the following:

1 (1) The patient seeking the naloxone or other opioid antagonist is at risk of
2 experiencing an opiate-related overdose.

3 (2) The person other than the person who is at risk of experiencing an
4 opiate-related overdose, and who is seeking the naloxone or other opioid antagonist,
5 is a family member or friend of the patient at risk of experiencing an opiate-related
6 overdose.

7 C.(1) A person who administers naloxone or another opioid antagonist to a
8 person suffering from an opiate-related overdose shall immediately notify a local
9 public safety answering point of the situation necessitating the administration.

10 (2) A person acting in good faith who administers naloxone or another
11 opioid antagonist to a person reasonably believed to be undergoing an opiate-related
12 drug overdose shall be immune from criminal and civil liability for the
13 administration, unless personal injury results from the gross negligence or willful or
14 wanton misconduct of the person administering the drug.

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)]

Moreno

HB No. 755

Abstract: Provides for limited liability for a medical practitioner who prescribes or a third party who administers naloxone.

Proposed law provides immunity from civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute for a licensed medical practitioner who, acting in good faith, directly or by standing order, prescribes or dispenses the drug naloxone or another opioid antagonist to a patient at risk of experiencing an opiate-related overdose or a family member or friend of a patient at risk of experiencing an opiate-related overdose who, in the judgment of the medical practitioner, is capable of administering the drug for an emergency opiate-related overdose.

Proposed law requires the medical practitioner, as an indicator of good faith, to require, prior to prescribing naloxone or another opioid antagonist, the receipt of a written communication that provides a factual basis for a reasonable conclusion as to either of the following:

- (1) The patient seeking the naloxone or other opioid antagonist is at risk of experiencing an opiate-related overdose.
- (2) The person other than the person who is at risk of experiencing an opiate-related overdose, and who is seeking the naloxone or other opioid antagonist, is a family member or friend of the patient at risk of experiencing an opiate-related overdose.

Proposed law requires a person who administers naloxone or another opioid antagonist to a person suffering from an opiate-related overdose to immediately notify a local public safety answering point of the situation necessitating the administration.

Proposed law provides immunity from criminal and civil liability to a person acting in good faith who administers naloxone or another opioid antagonist to a person reasonably believed to be undergoing an opiate-related drug overdose, unless personal injury results from the gross negligence or willful or wanton misconduct of the person administering the drug.

(Adds R.S. 40:978.1)