

HOUSE BILL NO. 853

#### BY REPRESENTATIVES MYERS, BACALA, BERAULT, BOYER, CHASSION, DICKERSON, ECHOLS, EGAN, FISHER, HEBERT, HORTON, JACKSON, KNOX, MILLER, NEWELL, PHELPS, SELDERS, STAGNI, TAYLOR, THOMPSON, AND WYBLE

1	AN ACT
2	To amend and reenact R.S. 36:251(C)(1), 252(A) and (B), and 257(A) and R.S. 40:2 and
3	1281.1(introductory paragraph) and (8) and to enact R.S. 36:254.4 and 258(M) and
4	R.S. 42:1123.2(D)(6), relative to the office of the surgeon general within the
5	Louisiana Department of Health; to create the office of the surgeon general; to
6	provide for the position of surgeon general within the office of the surgeon general;
7	to provide for its purpose, duties, and functions; to provide for definitions; to provide
8	that the surgeon general is the state health officer; to create an exception from certain
9	ethics provisions; to provide for an effective date; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 36:251(C)(1), 252(A) and (B), and 257(A) are hereby amended and
12	reenacted and R.S. 36:254.4 and 258(M) are hereby enacted to read as follows:
13	§251. Louisiana Department of Health; creation; domicile; composition; purpose
14	and functions
15	* * *
16	C.(1) The Louisiana Department of Health shall be composed of the
17	executive office of the secretary, the office of the surgeon general, the office of
18	management and finance, the office of public health, the office of behavioral health,
19	the office for citizens with developmental disabilities, the office of aging and adult
20	services, the office on women's health and community health, and such other offices
21	as shall be created by law.
22	* * *

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1	§252. Officers of the department; compensation for one office only
2	A. The officers of the department shall be the secretary, the surgeon general,
3	the undersecretary, the deputy secretary, if a deputy secretary is appointed, and
4	assistant secretaries, each of whom shall be selected and shall perform functions as
5	provided in this Title.
6	B. No person serving as a secretary, surgeon general, deputy secretary,
7	undersecretary, or assistant secretary shall receive any additional salary from the
8	state other than that salary which he receives by virtue of serving in any one of such
9	offices. Any statewide elected official appointed to serve as a secretary, deputy
10	secretary, undersecretary, or assistant secretary shall not receive any additional
11	salary from the state other than that salary which he receives as a statewide elected
12	official.
13	* * *
14	§254.4. Surgeon general; office of the surgeon general; functions
15	A. There shall be a surgeon general within the Louisiana Department of
16	Health, office of the surgeon general, who shall be appointed by the governor with
17	consent from the state Senate and who shall serve at the pleasure of the governor at
18	a salary fixed by the governor, which salary shall not exceed the amount approved
19	for such position by the legislature while in session.
20	B. The surgeon general shall be a licensed and practicing physician in this
21	state and shall continue to be so qualified during the term of office. The surgeon
22	general shall be an employee of the Louisiana Department of Health.
23	C. The surgeon general shall serve as the chief medical officer of the
24	Louisiana Department of Health and the state's leading advocate for wellness and
25	disease prevention. The surgeon general shall serve as the state health officer.
26	D. The surgeon general shall have the responsibility to provide medical and
27	clinical guidance and recommendations to the department, as well as directly to the
28	governor when requested. The surgeon general shall perform the functions provided
29	in this Title under the general control and supervision of the governor.

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1	E. The surgeon general shall direct and be responsible for the functions of
2	the office of the surgeon general within the Louisiana Department of Health.
3	F. The duties and functions of the surgeon general and the office of the
4	surgeon general shall be in accordance with the provisions of this Section and these
5	functions and duties shall not be subject to change by the secretary.
6	G. The office of the surgeon general in the Louisiana Department of Health
7	shall carry out its purpose as provided in R.S. 36:258 and the duties and functions
8	provided in this Section. The office of the surgeon general shall do all of the
9	following:
10	(1) Collect, manage, and analyze health data and statistics to formulate
11	public health policy and planning for this state.
12	(2) Promote the health of all residents and visitors in this state.
13	(3) Coordinate with other agencies, offices, medical schools, boards,
14	commissions, task forces, and other associations on healthcare initiatives for this
15	state.
16	(4) Provide an annual report to the governor, legislature, and secretary of the
16 17	(4) Provide an annual report to the governor, legislature, and secretary of the Louisiana Department of Health, recommending priorities and initiatives for
17	Louisiana Department of Health, recommending priorities and initiatives for
17 18	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across
17 18 19	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such
17 18 19 20	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such report no later than May first of each year, beginning May 1, 2025.
17 18 19 20 21	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such report no later than May first of each year, beginning May 1, 2025. * * *
17 18 19 20 21 22	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such report no later than May first of each year, beginning May 1, 2025.
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such report no later than May first of each year, beginning May 1, 2025.
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such report no later than May first of each year, beginning May 1, 2025.
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such report no later than May first of each year, beginning May 1, 2025. * * * \$257. Assistant secretaries A. Each office within the Louisiana Department of Health, except the office of management and finance and the office of the surgeon general, shall be under the immediate supervision and direction of an assistant secretary, who shall be appointed
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such report no later than May first of each year, beginning May 1, 2025. * * * §257. Assistant secretaries A. Each office within the Louisiana Department of Health, except the office of management and finance and the office of the surgeon general, shall be under the immediate supervision and direction of an assistant secretary, who shall be appointed by the governor with consent of the Senate. Each shall serve at the pleasure of the
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>	Louisiana Department of Health, recommending priorities and initiatives for improving healthcare provisions and outcomes for all residents of this state, across all populations and age groups. The office of the surgeon general shall provide such report no later than May first of each year, beginning May 1, 2025.

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1	§258. Offices; purposes and functions
2	* * *
3	M. The office of the surgeon general shall be responsible for leading and
4	coordinating efforts of the Louisiana Department of Health that are intended to
5	provide clinical and medical guidance and recommendations to improve health
6	outcomes for all residents of this state, across all populations and age groups. The
7	department may consolidate efforts on healthcare provisions and outcomes for all
8	programs within the department as deemed appropriate by the secretary of the
9	department after consultation with the surgeon general.
10	Section 2. R.S. 40:2 and 1281.1(introductory paragraph) and (8) are hereby amended
11	and reenacted to read as follows:
12	§2. State health officer
13	The state health officer shall be a licensed and practicing physician in the
14	state of Louisiana and continue to be so qualified during his term of office. He shall
15	be a full time employee of the Louisiana Department of Health. The secretary of the
16	Louisiana Department of Health may designate any department employee, including
17	himself, as state health officer. No order, rule, or regulation issued by the state
18	health officer shall take effect until it is approved and signed by the secretary. The
19	surgeon general appointed by the governor shall serve as the state health officer. The
20	surgeon general shall collaborate with the secretary on any order, rule, or regulation
21	issued by the state health officer. Any order, rule, or regulation issued by the state
22	health officer shall be effective upon signature.
23	* * *
24	§1281.1. Definitions
25	As used in this Subpart, the following terms shall have the meaning ascribed
26	in this Section:
27	* * *

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### **ENROLLED**

1	(8) "State health officer" means the secretary of the Louisiana Department
2	of Health, hereinafter referred to as the "department", or his designee surgeon
3	general appointed by the governor as provided in R.S. 40:2.
4	* * *
5	Section 3. R.S. 42:1123.2(D)(6) is hereby enacted to read as follows:
6	§1123.2. Exception; certain positions at the Louisiana Department of Health
7	* * *
8	D. For purposes of this Section, "exempted physician" means a licensed
9	Louisiana physician who is employed by or who has contracted with the Louisiana
10	Department of Health or an agency thereof to serve in any of the following positions:
11	* * *
12	(6) The surgeon general of the office of the surgeon general.
13	* * *
14	Section 4. This Act shall become effective upon signature by the governor or, if not
15	signed by the governor, upon expiration of the time for bills to become law without signature
16	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17	vetoed by the governor and subsequently approved by the legislature, this Act shall become
18	effective on the day following such approval.

## SPEAKER OF THE HOUSE OF REPRESENTATIVES

## PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_