

SENATE BILL NO. 422

BY SENATORS BROOME AND DORSEY-COLOMB

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AN ACT

To enact R.S. 14:403.9 through 403.11, relative to immunity for certain actions; to provide immunity from prosecution for emergency assistance involving alcohol consumption and drug overdoses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:403.9 through 403.11 are hereby enacted to read as follows:

**§403.9. Alcohol consumption; emergency assistance and cooperation; immunity**

**A. A peace officer shall not take a person into custody based solely on the commission of an offense involving alcohol described in Subsection B of this Section if the peace officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:**

**(1) The law enforcement officer has contact with the person because the person acting in good faith requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption and the person did not illegally provide alcohol to the individual.**

**(2) The person:**

**(a) Provided his full name and any other relevant information requested by the peace officer.**

**(b) Remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived.**

**(c) Cooperated with emergency medical assistance personnel and peace**

1 officers at the scene.

2 B. A person who meets the criteria of Subsection A of this Section shall  
3 be immune from criminal prosecution for any offense related solely to the  
4 possession and consumption of alcohol.

5 C. A person shall not initiate or maintain an action against a peace  
6 officer or the employing state agency or political subdivision based on the  
7 officer's compliance or failure to comply with this Section.

8 D. For the purposes of this Section, "peace officer" shall have the same  
9 meaning as defined in R.S. 14:112.1.

10 §403.10. Drug-related overdoses; medical assistance; immunity from  
11 prosecution

12 A. A person acting in good faith who seeks medical assistance for an  
13 individual experiencing a drug-related overdose may not be charged,  
14 prosecuted, or penalized for possession of a controlled dangerous substance  
15 under the Uniform Controlled Dangerous Substances Law if the evidence for  
16 possession of a controlled dangerous substance was obtained as a result of the  
17 person's seeking medical assistance, unless the person illegally provided or  
18 administered a controlled dangerous substance to the individual.

19 B. A person who experiences a drug-related overdose and is in need of  
20 medical assistance shall not be charged, prosecuted, or penalized for possession  
21 of a controlled dangerous substance under the Uniform Controlled Dangerous  
22 Substances Law if the evidence for possession of a controlled substance was  
23 obtained as a result of the overdose and the need for medical assistance.

24 C. Protection in this Section from prosecution for possession offenses  
25 under the Uniform Controlled Dangerous Substances Law may not be grounds  
26 for suppression of evidence in other criminal prosecutions.

27 §403.11. Administration of opiate antagonists; immunity

28 A. First responders shall have the authority to administer, without  
29 prescription, opiate antagonists when encountering an individual exhibiting  
30 signs of an opiate overdose.

1                    **B. For the purposes of this Section, a first responder shall include all of**  
2                    **the following:**

3                    **(1) A law enforcement official.**

4                    **(2) An emergency medical technician.**

5                    **(3) A firefighter.**

6                    **(4) Medical personnel at secondary schools and institutions of higher**  
7                    **education.**

8                    **C.(1) Before administering an opioid antagonist pursuant to this Section,**  
9                    **a first responder shall complete the training necessary to safely and properly**  
10                   **administer an opioid antagonist to individuals who are undergoing or who are**  
11                   **believed to be undergoing an opioid-related drug overdose. The training, at a**  
12                   **minimum, shall cover all of the following:**

13                   **(a) Techniques on how to recognize symptoms of an opioid-related**  
14                   **overdose.**

15                   **(b) Standards and procedures for the storage and administration of an**  
16                   **opioid antagonist.**

17                   **(c) Emergency follow-up procedures.**

18                   **(2) Any first responder administering an opiate antagonist in a manner**  
19                   **consistent with addressing opiate overdose shall not be liable for any civil**  
20                   **damages as a result of any act or omission in rendering such care or services or**  
21                   **as a result of any act or failure to act to provide or arrange for further medical**  
22                   **treatment or care for the person involved in said emergency, unless the damage**  
23                   **or injury was caused by willful or wanton misconduct or gross negligence.**

24                   **D. The deputy secretary of public safety services of the Department of**  
25                   **Public Safety and Corrections shall develop and promulgate, in accordance with**  
26                   **the Administrative Procedure Act, a set of best practices for use by a fire**  
27                   **department or law enforcement agency in the administration and enforcement**  
28                   **of this Section including but not limited to the training necessary to safely and**  
29                   **properly administer an opioid antagonist to individuals who are undergoing or**  
30                   **who are believed to be undergoing an opioid-related drug overdose, the**

1           standards and procedures for the storage and administration of an opioid  
2           antagonist, and emergency follow-up procedures.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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