

SENATE BILL NO. 422

BY SENATORS BROOME AND DORSEY-COLOMB

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

7 **§403.9. Alcohol consumption; emergency assistance and cooperation; immunity**

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

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

18 **(2) The person:**

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

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

24 **(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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____