

Act No. 408 amends La. R.S. § 32:681 and allows officers to determine whether a driver should be tested for drugs and alcohol in crashes that involve serious bodily injuries.

On July 19, 2019, Governor John Bel Edwards signed into law Act No. 408, also known as “Katie Bug’s Law,” which requires all drivers involved in crashes that end in a serious injury to submit to a drug test.

Katie Grantham, the four year old girl for whom the law is named, was killed in a crash in Bossier Parish in 2017. Katie suffered catastrophic injuries and survived seven days on a ventilator, but never regained consciousness. Unfortunately, Katie passed away at age four.

The driver responsible was cited for running a red light. He passed a field sobriety test and was not required to submit a blood test. Further, since Katie did not pass away at the scene of the accident, the driver was not drug tested and was allowed to go home, even though authorities found drugs and alcohol in his vehicle. The driver later pled guilty to running a red light and was sentenced to ten days in jail.

Named in memory of Katie Grantham, Act No. 408 amends La. R.S. § 32:681 and allows officers to determine whether a driver should be tested for drugs and alcohol in crashes that involve serious bodily injuries.

Additionally, Act No. 408 considers that the operator of any motor vehicle or watercraft involved in a collision or crash on the public highways or waterways has given consent to a chemical test or tests of blood, urine, or other bodily substances to determine the presence of any abused substance or controlled dangerous substance. Such tests shall be administered in those crashes or collisions where (1) a fatality occurs; (2) it is foreseeable that a citation for a traffic violation of an arrest is imminent and the investigating officer find that a suspected serious bodily injury occurred; (3) the operator voluntarily agrees to a chemical test; or (4) a search warrant is issued ordering the collection and testing of any bodily substance.

Likewise, Act No. 408 also requires, in the case of fatalities, that a coroner to perform a toxicology screen on the deceased victim to determine evidence of the presence of any abused substance or controlled dangerous substance.

The text of Act No. 408 can be found at <http://www.legis.la.gov/legis/home.aspx>.

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