

1 A bill to be entitled
 2 An act relating to emergency treatment for opioid
 3 overdose; providing a short title; creating s.
 4 381.887, F.S.; providing definitions; providing
 5 purpose; authorizing certain health care practitioners
 6 to prescribe an emergency opioid antagonist to a
 7 patient or caregiver under certain conditions;
 8 authorizing storage, possession, and administration of
 9 an emergency opioid antagonist by such patient or
 10 caregiver and certain emergency responders; providing
 11 immunity from liability; providing immunity from
 12 professional sanction or disciplinary action for
 13 certain health care practitioners and pharmacists,
 14 under certain circumstances; providing applicability;
 15 providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. This act may be cited as the "Emergency
 20 Treatment and Recovery Act."

21 Section 2. Section 381.887, Florida Statutes, is created
 22 to read:

23 381.887 Emergency treatment for suspected opioid
 24 overdose.—

25 (1) As used in this section, the term:

26 (a) "Administer" or "administration" means to introduce an

27 emergency opioid antagonist into the body of a person.

28 (b) "Authorized health care practitioner" means a licensed
29 practitioner authorized by the laws of the state to prescribe
30 drugs.

31 (c) "Caregiver" means a family member, friend, or person
32 in a position to have recurring contact with a person at risk of
33 experiencing an opioid overdose.

34 (d) "Emergency opioid antagonist" means naloxone
35 hydrochloride or any similarly acting drug that blocks the
36 effects of opioids administered from outside the body and that
37 is approved by the United States Food and Drug Administration
38 for the treatment of an opioid overdose.

39 (e) "Patient" means a person at risk of experiencing an
40 opioid overdose.

41 (2) The purpose of this section is to provide for the
42 prescription of an emergency opioid antagonist to patients and
43 caregivers and to encourage the prescription of emergency opioid
44 antagonists by health care practitioners.

45 (3) An authorized health care practitioner may prescribe
46 an emergency opioid antagonist to a patient or caregiver for use
47 in accordance with this section, and pharmacists may dispense an
48 emergency opioid antagonist pursuant to a prescription issued in
49 the name of the patient or caregiver, appropriately labeled with
50 instructions for use. Such patient or caregiver is authorized to
51 store and possess approved emergency opioid antagonists and, in
52 an emergency situation when a physician is not immediately

53 available, administer the emergency opioid antagonist to a
54 person believed in good faith to be experiencing an opioid
55 overdose, regardless of whether that person has a prescription
56 for an emergency opioid antagonist.

57 (4) Emergency responders, including, but not limited to,
58 law enforcement officers, paramedics, and emergency medical
59 technicians, are authorized to possess, store, and administer
60 approved emergency opioid antagonists as clinically indicated.

61 (5) A person, including, but not limited to, an authorized
62 health care practitioner, a dispensing health care practitioner,
63 or a pharmacist, who possesses, administers, prescribes,
64 dispenses, or stores an approved emergency opioid antagonist in
65 compliance with this section and s. 768.13 is afforded the civil
66 liability immunity protections provided under s. 768.13.

67 (6) (a) An authorized health care practitioner, acting in
68 good faith, is not subject to discipline or other adverse action
69 under any professional licensure statute or rule and is immune
70 from any civil or criminal liability as a result of prescribing
71 an opioid antagonist in accordance with this section.

72 (b) A dispensing health care practitioner or pharmacist,
73 acting in good faith, is not subject to discipline or other
74 adverse action under any professional licensure statute or rule
75 and is immune from any civil or criminal liability as a result
76 of dispensing an opioid antagonist in accordance with this
77 section.

78 (7) This section does not limit any existing immunities

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79 | for emergency responders or others provided under this chapter
80 | or any other applicable provision of law.

81 | Section 3. This act shall take effect upon becoming a law.