



CS/HB 751, Engrossed 1

2015

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.; defining terms; providing a purpose;  
5           authorizing certain health care practitioners to  
6           prescribe and dispense an emergency opioid antagonist  
7           to a patient or caregiver under certain conditions;  
8           authorizing pharmacists to dispense an emergency  
9           opioid antagonist under certain circumstances;  
10          authorizing storage, possession, and administration of  
11          an emergency opioid antagonist by a patient or  
12          caregiver and certain emergency responders; providing  
13          immunity from liability; providing immunity from  
14          professional sanction or disciplinary action for  
15          certain health care practitioners and pharmacists,  
16          under certain circumstances; providing applicability;  
17          providing that a duty or standard of care is not  
18          created by the section; providing an effective date.

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

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

24           Section 2. Section 381.887, Florida Statutes, is created  
25 to read:

26           381.887 Emergency treatment for suspected opioid overdose.



- 27        (1) As used in this section, the term:
- 28        (a) "Administer" or "administration" means to introduce an  
29 emergency opioid antagonist into the body of a person.
- 30        (b) "Authorized health care practitioner" means a licensed  
31 practitioner authorized by the laws of this state to prescribe  
32 drugs.
- 33        (c) "Caregiver" means a family member, friend, or person  
34 in a position to have recurring contact with a person at risk of  
35 experiencing an opioid overdose.
- 36        (d) "Emergency opioid antagonist" means naloxone  
37 hydrochloride or any similarly acting drug that blocks the  
38 effects of opioids administered from outside the body and that  
39 is approved by the United States Food and Drug Administration  
40 for the treatment of an opioid overdose.
- 41        (e) "Patient" means a person at risk of experiencing an  
42 opioid overdose.
- 43        (2) The purpose of this section is to provide for the  
44 prescription of an emergency opioid antagonist to patients and  
45 caregivers and to encourage the prescription of emergency opioid  
46 antagonists by authorized health care practitioners.
- 47        (3) An authorized health care practitioner may prescribe  
48 and dispense an emergency opioid antagonist to a patient or  
49 caregiver for use in accordance with this section, and  
50 pharmacists may dispense an emergency opioid antagonist pursuant  
51 to a prescription issued in the name of the patient or  
52 caregiver, which is appropriately labeled with instructions for



53 use. Such patient or caregiver is authorized to store and  
54 possess approved emergency opioid antagonists and, in an  
55 emergency situation when a physician is not immediately  
56 available, administer the emergency opioid antagonist to a  
57 person believed in good faith to be experiencing an opioid  
58 overdose, regardless of whether that person has a prescription  
59 for an emergency opioid antagonist.

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

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

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

76 (b) A dispensing health care practitioner or pharmacist,  
77 acting in good faith and exercising reasonable care, is not  
78 subject to discipline or other adverse action under any



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79 professional licensure statute or rule and is immune from any  
80 civil or criminal liability as a result of dispensing an  
81 emergency opioid antagonist in accordance with this section.

82 (7) This section does not limit any existing immunities  
83 for emergency responders or other persons which is provided  
84 under this chapter or any other applicable provision of law.  
85 This section does not create a duty or standard of care for a  
86 person to prescribe or administer an emergency opioid  
87 antagonist.

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