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CS/HB 751, Engrossed 1

2015 Legislature

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 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.



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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



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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.