

By Senator Evers

2-00542A-15

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1 A bill to be entitled
2 An act relating to the prescription and use of opioid
3 antagonists for emergency treatment of opioid
4 overdoses; providing a short title; creating s.
5 381.887, F.S.; defining terms; providing the purposes
6 of the act; providing for the prescribing of opioid
7 antagonists to, and the use of them by, patients and
8 caregivers who have received emergency overdose
9 treatment information; providing for the prescribing
10 of opioid antagonists to, and the use of them by,
11 first responders; providing immunities from liability;
12 providing applicability; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. This act may be cited as the "Florida Opioid
17 Overdose Prevention Act."

18 Section 2. Section 381.887, Florida Statutes, is created to
19 read:

20 381.887 Prescription for and dispensing of opioid
21 antagonists.-

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

23 (a) "Administer" or "administration" means to introduce an
24 opioid antagonist into the body of a person by using a
25 formulation approved by the United States Food and Drug
26 Administration.

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

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30 (c) "Caregiver" means a family member, a friend, or any
31 other person in a position to assist a person at risk of
32 experiencing an opioid overdose.

33 (d) "Emergency overdose treatment information" means
34 information regarding issues that include, but are not limited
35 to, opioid overdose prevention and recognition, how to perform
36 rescue breathing, opioid antagonist dosage and administration,
37 the importance of calling 911 for assistance with an opioid
38 overdose, and care for an overdose victim after administration
39 of an opioid antagonist.

40 (e) "Opioid antagonist" means naloxone hydrochloride or any
41 similarly acting drug that blocks the effects of opioids that
42 have been administered from outside the body and that is
43 approved by the United States Food and Drug Administration for
44 the treatment of an opioid overdose.

45 (f) "Patient" means a person at risk of experiencing an
46 opioid overdose.

47 (2) The purpose of this section is to provide for the
48 prescription of an opioid antagonist to patients and caregivers
49 and to encourage the administration of opioid antagonists for
50 emergency treatment of known or suspected opioid overdoses when
51 a physician or other authorized health care practitioner is not
52 immediately available.

53 (3) An authorized health care practitioner may prescribe an
54 opioid antagonist for use in accordance with this section to a
55 patient or caregiver who has received emergency overdose
56 treatment information. A dispensing health care practitioner or
57 pharmacist may dispense an opioid antagonist, appropriately
58 labeled with instructions for use, pursuant to a prescription

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59 which has been issued in the name of a patient or caregiver. In
60 order to fulfill the requirement that a patient or caregiver
61 receive emergency overdose treatment information, such
62 information may be provided to a patient or caregiver by the
63 prescribing authorized health care practitioner or by an
64 organization that addresses medical or social issues related to
65 drug addiction with which the prescribing authorized health care
66 practitioner maintains a written agreement and which also is
67 exempt from taxation pursuant to 26 U.S.C. s. 501, a federal,
68 state, or local governmental entity, or a substance abuse
69 organization. Such agreement must include procedures for
70 providing emergency overdose treatment information, instructions
71 as to how employees or volunteers providing the information will
72 be trained, and standards for documenting, on behalf of the
73 prescribing authorized health care practitioner, the provision
74 of emergency overdose treatment information to patients and
75 caregivers. The patient or caregiver who has an opioid
76 antagonist prescription may store and possess an approved opioid
77 antagonist. In an emergency situation when a physician or other
78 authorized health care practitioner is not immediately
79 available, any patient or caregiver who has received emergency
80 overdose treatment information may administer the opioid
81 antagonist to a person believed in good faith to be experiencing
82 an opioid overdose, regardless of whether that person has a
83 prescription for an opioid antagonist.

84 (4) An authorized health care practitioner may, directly or
85 by standing order, prescribe and dispense opioid antagonists to
86 first responders, including law enforcement officers and
87 emergency medical technicians, and such first responders may

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88 possess, store, and administer approved opioid antagonists as
89 prescribed and clinically indicated, and in accordance with the
90 policies of the employer of such first responders.

91 (5) Any person, including an authorized health care
92 practitioner, a dispensing health care practitioner, a
93 pharmacist, or a first responder, including any law enforcement
94 officer or emergency medical technician, who possesses,
95 administers, or stores an approved opioid antagonist in
96 compliance with this section and with s. 768.13 is afforded the
97 civil liability immunity protection provided under s. 768.13.

98 (6) Any authorized health care practitioner, acting in good
99 faith and exercising reasonable care, is not subject to
100 discipline or other adverse action under any professional
101 licensure statute or rule and is immune from any civil or
102 criminal liability as a result of prescribing an opioid
103 antagonist in accordance with this section. Any dispensing
104 healthcare practitioner or pharmacist, acting in good faith and
105 exercising reasonable care, is not subject to discipline or
106 other adverse action under any professional licensure statute or
107 rule and is immune from any civil or criminal liability as a
108 result of dispensing an opioid antagonist in accordance with
109 this section.

110 (7) This section does not limit any existing immunities for
111 first responders and others provided under any other applicable
112 statute or rule. This section does not create a duty or standard
113 of care for a person to prescribe or administer an opioid
114 antagonist.

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