

By the Committee on Health Policy; and Senator Evers

588-01937-15

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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 his or her
64 agent. The patient or caregiver who has an opioid antagonist
65 prescription may store and possess an approved opioid
66 antagonist. In an emergency situation when a physician or other
67 authorized health care practitioner is not immediately
68 available, any patient or caregiver who has received emergency
69 overdose treatment information may administer the opioid
70 antagonist to a person believed in good faith to be experiencing
71 an opioid overdose, regardless of whether that person has a
72 prescription for an opioid antagonist.

73 (4) An authorized health care practitioner may, directly or
74 by standing order, prescribe and dispense opioid antagonists to
75 first responders, as defined in s. 112.1815, and such first
76 responders may possess, store, and administer approved opioid
77 antagonists as prescribed and clinically indicated, and in
78 accordance with the policies of the employer of such first
79 responders.

80 (5) Any person, including an authorized health care
81 practitioner, a dispensing health care practitioner, a
82 pharmacist, or a first responder, as defined in s. 112.1815, who
83 possesses, administers, or stores an approved opioid antagonist
84 in compliance with this section and with s. 768.13 is afforded
85 the civil liability immunity protection provided under s.
86 768.13.

87 (6) Any authorized health care practitioner, acting in good

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88 faith and exercising reasonable care, is not subject to
89 discipline or other adverse action under any professional
90 licensure statute or rule and is immune from any civil or
91 criminal liability as a result of prescribing an opioid
92 antagonist in accordance with this section. Any dispensing
93 healthcare practitioner or pharmacist, acting in good faith and
94 exercising reasonable care, is not subject to discipline or
95 other adverse action under any professional licensure statute or
96 rule and is immune from any civil or criminal liability as a
97 result of dispensing an opioid antagonist in accordance with
98 this section.

99 (7) This section does not limit any existing immunities for
100 first responders and others provided under any other applicable
101 statute or rule. This section does not create a duty or standard
102 of care for a person to prescribe or administer an opioid
103 antagonist.

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