

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 39 Emergency Opioid Antagonists

SPONSOR(S): Edmonds and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 542

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee	16 Y, 0 N, As CS	Suppiah	Kiner

SUMMARY ANALYSIS

The bill requires each Florida College System institution and state university to have a supply of emergency opioid antagonists in clearly marked locations within certain residence halls or dormitory residences.

The bill also requires such emergency opioid antagonists to be easily accessible to campus law enforcement officers who are trained in the administration of emergency opioid antagonists. The bill provides civil and criminal immunity to any campus law enforcement officer trained in the administration of emergency opioid antagonists, who administers or attempts to administer an emergency opioid antagonist as authorized under laws related to emergency treatment for suspected opioid overdose and the Good Samaritan Act. The institution that employs the officer who acts in accordance with the provisions of the bill is also granted civil and criminal immunity.

The bill encourages public and private partnerships to cover the costs of emergency opioid antagonists at Florida College System institutions and state universities.

The bill requires the State Board of Education and the Board of Governors to adopt rules and regulations, respectively, to administer the bill's requirements.

The bill may have an indeterminate fiscal impact on state and local governments.

The bill provides an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Opioids are a class of drugs that can be created synthetically by laboratory scientists or derived naturally from the opium poppy plant.¹ Opioids, which include, but are not limited to, fentanyl, oxycodone, hydrocodone, codeine, and morphine, are prescribed by doctors to relieve pain.² Using opioids as prescribed or misusing opioids can lead to substance use disorder or addiction.³

Opioid Overdoses and the Use of Naloxone

Opioid misuse and opioid addiction can lead to overdose and death. Since 1999, over half a million Americans have died from opioid and opioid-involved overdoses.⁴ Naloxone is an opioid antagonist that is used to reverse an opioid overdose when it takes place.⁵ Naloxone, which is commonly known as NARCAN®, is usually administered to persons who show signs of an opioid overdose.⁶ A single dosage of naloxone, which can be administered via injection or nasal spray, is effective for 30 to 90 minutes, but the effects of an opioid overdose can be felt after the naloxone wears off.⁷ Some opioids, like fentanyl, are more potent than others and require multiple doses of naloxone.⁸ For these reasons, even when emergency naloxone is administered, people experiencing an overdose need immediate medical attention.⁹

NARCAN® Nasal Spray comes in a small, portable device for carrying or storing in a purse or pocket or at home and does not require specialized training to administer.¹⁰ Each package contains 2 ready-to-use, single-dose nasal spray devices.¹¹

Opioid Misuse in Adolescents & Young Adults

Data surrounding opioid misuse in adolescents and young adults is sparser and less consistent than data that is available for adults.¹² But there is evidence that the prevalence of opioid misuse is increasing within this population.¹³ According to the 2016 National Survey on Drug Use and Health (NSDUH), 3.8 percent of adolescents (ages 12 to 17) and 7.8 percent of young adults (ages 18 to 25) engaged in opioid misuse or reported having an opioid use disorder.¹⁴ In 2016, opioid exposures accounted for over 12 percent of all deaths among 15- to 24-year-olds.¹⁵

¹ National Opioids Crisis: Help and Resources, U.S. Department of Health & Human Services, *Prevent Opioid Abuse and Addiction*, <https://www.hhs.gov/opioids/prevention/index.html> (last visited January 23, 2023)

² *Id.*

³ *Id.*

⁴ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, *Opioid Data Analysis and Resources*, https://www.cdc.gov/opioids/data/analysis-resources.html#anchor_trends_in_deaths_rates (last visited January 23, 2023)

⁵ National Institute on Drug Abuse, National Institutes of Health, *Naloxone DrugFacts*, <https://nida.nih.gov/publications/drugfacts/naloxone> (last visited January 23, 2023)

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ NARCAN® Nasal Spray, *Caregiver Brochure*, available at https://www.narcan.com/wp-content/uploads/2021/12/Caregiver_Brochure.pdf

¹¹ *Id.*

¹² Hudgins JD, Porter JJ, Monuteaux MC, Bourgeois FT (2019) *Prescription opioid use and misuse among adolescents and young adults in the United States: A national survey study*. PLoS Med 16(11): e1002922. <https://doi.org/10.1371/journal.pmed.1002922>

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

On college campuses, the use of opiates has risen over the past 20 years.¹⁶ Between 1993 and 2005, the use of prescription opioids increased by 343 percent and 1 in 4 universities had an annual prescription opioid use prevalence of 10 percent or higher.¹⁷

Emergency Opioid Antagonists in Florida Law

Under Florida law, an “emergency opioid antagonist” refers to naloxone hydrochloride or any similarly acting drug that blocks the effects of opioids administered from outside the body and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.¹⁸

Pharmacists may dispense an emergency opioid antagonist pursuant to a prescription by an authorized health care practitioner, pharmacist’s order, or nonpatient-specific standing order.¹⁹ Currently, the following persons are authorized to possess, store, and administer emergency opioid antagonists as clinically indicated and are immune from any civil or criminal liability resulting from the administration of an emergency opioid antagonist:

- Emergency responders (including law enforcement officers, paramedics, and emergency medical technicians).
- Crime laboratory personnel (including analysts, evidence intake personnel, and crime laboratory supervisors).
- Law enforcement agency or other agency personnel (including correctional probation officers and child protective investigators).
- Authorized health care practitioners, dispensing health care practitioner, and pharmacists.²⁰

Patients (persons at risk of experiencing an opioid overdose) are authorized to store and possess approved emergency opioid antagonists, and in an emergency situation when a physician is not immediately available, administer the emergency opioid antagonist to a person believed in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an emergency opioid antagonist.²¹

Cost of Naloxone

The cost of naloxone varies widely from less than a dollar per unit for a simple ampoule or vial, to several thousand dollars for certain intramuscular auto-injectors.²² On average, naloxone costs approximately \$30 per dose kit.²³ The Florida Department of Children and Families, as part of its overdose prevention program, purchases Narcan at \$75 per kit with two doses in each kit.²⁴ Emergent Biosolutions has produced an FDA- approved naloxone nasal spray called Narcan.²⁵ Emergent Biosolutions offers up to four free cartons of Narcan to degree-granting postsecondary institutions.²⁶

The Good Samaritan Act

¹⁶ Opioid Resource Center, Healio, *Opioid abuse in college students requires increased efforts*, <https://www.healio.com/news/psychiatry/20171030/opioid-abuse-in-college-students-requires-increased-efforts> (last visited January 23, 2023)

¹⁷ *Id.*

¹⁸ Section 381.887(1)(d), F.S.

¹⁹ Section 381.887(3)(b), F.S.

²⁰ Section 381.887(4)-(5), F.S.

²¹ Section 381.887(3)(c), F.S.

²² John Strang et al., *Take-Home Naloxone for the Emergency Interim Management of Opioid Overdose: The Public Health Application of an Emergency Medicine*, 79(13) *Drugs* 1395-1418 (2019), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6728289/>.

²³ Florida Department of Education, *HB 39 2023 Agency Legislative Bill Analysis* (Feb. 9, 2023) (on file with the Senate Committee on Judiciary).

²⁴ Email, Florida Department of Children and Families (Mar. 6, 2023) (on file with the Senate Committee on Judiciary).

²⁵ *Id.* Emergent Biosolutions bought Adapt Pharma, who originally produced Narcan.

²⁶ Emergent Biosolutions, *Free Narcan Nasal Spray to Eligible Schools*, available at <https://californiamat.org/wp-content/uploads/2022/01/Schools.PP-NAR4-US-00483-Professional-Educator-One-Page-2021-Update.pdf>.

The Good Samaritan Act provides immunity from civil liability for people who act in an emergency situation to render aid when certain factors are present. The act states, in part, that any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection from the injured victim or victims are immune from liability for any civil damages as a result of that care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.²⁷

Effect of Proposed Changes

The bill requires each Florida College System institution and state university to have a supply of emergency opioid antagonists in clearly marked locations within certain residence halls or dormitory residences.

The bill also requires such emergency opioid antagonists to be easily accessible to campus law enforcement officers who are trained in the administration of emergency opioid antagonists. There are currently 28 FCS institutions and 12 state universities.

All 12 state universities in the State University System of Florida own or operate a residence hall or dormitory available to students. In the 28 state colleges in the Florida College System, there are 12 residence halls or dormitories available to students. However, only three of these residence halls or dormitories are owned or operated by a state college. They are located at Chipola College, College of the Florida Keys, and Florida Gateway College.

The bill provides civil and criminal immunity to any campus law enforcement officer trained in the administration of emergency opioid antagonists, who administers or attempts to administer an emergency opioid antagonist as authorized under laws related to emergency treatment for suspected opioid overdose and the Good Samaritan Act. The institution that employs the officer who acts in accordance with the provisions of the bill is also granted civil and criminal immunity.

The bill encourages public and private partnerships to cover the costs of emergency opioid antagonists at Florida College System institutions.

The bill requires the State Board of Education and the Board of Governors to adopt rules and regulations, respectively, to administer the bill's requirements.

The bill provides an effective date of July 1, 2023.

B. SECTION DIRECTORY:

Section 1: Creating s. 1004.0971, F.S., requiring Florida College System institutions and state universities to have a supply of emergency opioid antagonists in clearly marked locations within certain residence halls or dormitory residences.

Section 2: Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:
See *Fiscal Comments*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
See *Fiscal Comments*.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

FCS institutions and state universities may incur expenses for the purchase and storage of emergency opioid antagonists in residence halls and dormitory residences, unless such emergency opioid antagonists are provided free of charge or some other entity covers the cost. The cost of naloxone varies widely from less than a dollar per unit for a simple ampoule or vial, to several thousand dollars for certain intramuscular auto-injectors.²⁸ On average, naloxone costs approximately \$30 per dose kit.²⁹ The Florida Department of Children and Families, as part of its overdose prevention program, purchases Narcan at \$75 per kit with two doses in each kit.³⁰ Emergent Biosolutions has produced an FDA- approved naloxone nasal spray called Narcan.³¹ Emergent Biosolutions offers up to four free cartons of Narcan to degree-granting postsecondary institutions.³²

Opioid antagonists like naloxone have a shelf life of approximately 18 to 24 months from the date of manufacture and need to be replaced accordingly.³³

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
None.
2. Other:
None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education and the Board of Governors to adopt rules and regulations, respectively, to administer the bill's requirements.

²⁸ John Strang et al., *Take-Home Naloxone for the Emergency Interim Management of Opioid Overdose: The Public Health Application of an Emergency Medicine*, 79(13) *Drugs* 1395-1418 (2019), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6728289/>.

²⁹ Florida Department of Education, *HB 39 2023 Agency Legislative Bill Analysis* (Feb. 9, 2023) (on file with the Senate Committee on Judiciary).

³⁰ Email, Florida Department of Children and Families (Mar. 6, 2023) (on file with the Senate Committee on Judiciary).

³¹ *Id.* Emergent Biosolutions bought Adapt Pharma, who originally produced Narcan.

³² Emergent Biosolutions, *Free Narcan Nasal Spray to Eligible Schools*, available at <https://californiamat.org/wp-content/uploads/2022/01/Schools.PP-NAR4-US-00483-Professional-Educator-One-Page-2021-Update.pdf>.

³³ Addictions, Drug & Alcohol Institute, University of Washington, *Research Suggests Naloxone May Be Good Past Its Expiration Date*, <https://adai.uw.edu/research-suggests-naloxone-may-be-good-past-its-expiration-date/#:~:text=Naloxone%20products%20typically%20have%20an.and%20safety%20of%20a%20drug>. (last visited January 23, 2023)

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 29, 2023, the Postsecondary Education & Workforce Subcommittee adopted a Proposed Committee Substitute (PCS) and reported the PCS favorably as a committee substitute. The PCS differs from HB 39 in the following way:

- requires state universities and state colleges to make the emergency opioid antagonists in the residence halls or dormitories easily accessible to campus law enforcement instead of resident assistants.
- removes the requirement that state colleges and state universities provide training to resident assistants in the administration of emergency opioid antagonists, as well as the provision providing trained resident assistants criminal and civil liability immunity. These revisions are consistent with the provision requiring the emergency opioid antagonists to be easily accessible to law enforcement instead of resident assistants.