

1 A bill to be entitled
2 An act relating to emergency opioid antagonists;
3 amending s. 381.887, F.S.; revising the purpose of
4 specified provisions relating to the receiving,
5 possessing, and administering of emergency opioid
6 antagonists to certain persons by authorized
7 pharmacies, pharmacists, and pharmacy technicians;
8 authorizing pharmacies, pharmacists, and pharmacy
9 technicians to receive, store, possess, and dispense
10 emergency opioid antagonists under certain
11 circumstances; providing applicability; creating s.
12 397.335, F.S.; establishing the Statewide Council on
13 Opioid Abatement within the Department of Children and
14 Families; providing for purpose of the council;
15 providing for membership, organization and support,
16 and duties of the council; amending s. 768.13, F.S.;
17 providing immunity from civil liability for a licensed
18 pharmacy, pharmacist, or pharmacy technician under
19 certain circumstances; providing legislative intent;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsections (2) through (5), paragraph (b) of
25 subsection (6), and subsection (7) of section 381.887, Florida

26 Statutes, are amended to read:

27 381.887 Emergency treatment for suspected opioid
28 overdose.—

29 (2) The purpose of this section is to provide for the
30 receiving, possessing, administering, prescribing, ordering, and
31 dispensing of emergency opioid antagonists to patients, ~~and~~
32 caregivers, and emergency responders and to encourage the
33 prescribing, ordering, and dispensing of emergency opioid
34 antagonists by authorized health care practitioners, pharmacies,
35 pharmacists, and pharmacy technicians, as applicable.

36 (3) (a) An authorized health care practitioner may
37 prescribe and dispense an emergency opioid antagonist to, and a
38 pharmacist may order an emergency opioid antagonist with an
39 autoinjection delivery system or intranasal application delivery
40 system for, a patient, ~~a~~ caregiver, or an emergency responder
41 for use in accordance with this section.

42 (b) A pharmacist may dispense an emergency opioid
43 antagonist pursuant to a prescription by an authorized health
44 care practitioner. A pharmacist may dispense an emergency opioid
45 antagonist with an autoinjection delivery system or intranasal
46 application delivery system, which must be appropriately labeled
47 with instructions for use, pursuant to a pharmacist's order or
48 pursuant to a nonpatient-specific standing order.

49 (c) A patient, ~~a~~ caregiver, or an emergency responder
50 is authorized to store and possess approved emergency opioid

51 | antagonists and, in an emergency situation when a physician is
52 | not immediately available, administer the emergency opioid
53 | antagonist to a person believed in good faith to be experiencing
54 | an opioid overdose, regardless of whether that person has a
55 | prescription for an emergency opioid antagonist.

56 | (d) A pharmacy or pharmacist licensed under chapter 465
57 | may receive, store, possess, and dispense, as applicable,
58 | emergency opioid antagonists delivered by a manufacturer or an
59 | affiliate of the pharmacy pursuant to agreements reached with
60 | the Department of Legal Affairs for the purpose of dispensing
61 | emergency opioid antagonists pursuant to a standing order issued
62 | by or at the direction of the State Surgeon General to any
63 | emergency responder identified in the standing order.

64 | (e) A pharmacist or pharmacy technician may dispense an
65 | emergency opioid antagonist pursuant to a standing order issued
66 | by or at the direction of the State Surgeon General in a manner
67 | consistent with the terms of the standing order to any emergency
68 | responders identified in the standing order.

69 | (4) The following persons are authorized to receive,
70 | possess, store, and administer emergency opioid antagonists as
71 | clinically indicated and are immune from any civil liability or
72 | criminal liability as a result of receiving, possessing,
73 | storing, or administering an emergency opioid antagonist:

74 | (a) Emergency responders, including, but not limited to,
75 | law enforcement officers, paramedics, and emergency medical

76 technicians.

77 (b) Crime laboratory personnel for the statewide criminal
78 analysis laboratory system as described in s. 943.32, including,
79 but not limited to, analysts, evidence intake personnel, and
80 their supervisors.

81 (c) Personnel of a law enforcement agency or an other
82 agency, including, but not limited to, correctional probation
83 officers and child protective investigators who, while acting
84 within the scope or course of employment, come into contact with
85 a controlled substance or persons at risk of experiencing an
86 opioid overdose.

87 (5) A person, including, but not limited to, an authorized
88 health care practitioner, a dispensing health care practitioner,
89 ~~or~~ a pharmacist, a pharmacy technician, or a pharmacy who
90 receives, possesses, administers, prescribes, dispenses, or
91 stores an approved emergency opioid antagonist in compliance
92 with this section and s. 768.13 is afforded the civil liability
93 immunity protections provided under s. 768.13.

94 (6)

95 (b) A dispensing health care practitioner, a pharmacy ~~or~~
96 pharmacist, or a pharmacy technician, acting in good faith and
97 exercising reasonable care, is not subject to discipline or
98 other adverse action under any professional licensure statute or
99 rule and is immune from any civil or criminal liability as a
100 result of receiving, possessing, administering, prescribing,

101 dispensing, or storing an emergency opioid antagonist in
 102 accordance with this section.

103 (7) This section does not limit any existing immunities
 104 for emergency responders or other persons which are provided
 105 under this chapter or any other applicable provision of law.
 106 This section does not create a duty or standard of care for a
 107 person to receive, possess, administer, prescribe, dispense, or
 108 store ~~administer~~ an emergency opioid antagonist.

109 Section 2. Section 397.335, Florida Statutes, is created
 110 to read:

111 397.335 Statewide Council on Opioid Abatement.-

112 (1) ESTABLISHMENT.-The Statewide Council on Opioid
 113 Abatement, an advisory council as defined in s. 20.03, is
 114 created within the department for the purpose of enhancing the
 115 development and coordination of state and local efforts to abate
 116 the opioid epidemic and to support the victims and families of
 117 the crisis.

118 (2) MEMBERSHIP.-

119 (a) The council shall consist of the following members:

120 1. The Attorney General, or a designee, who shall serve as
 121 chair.

122 2. The secretary of the department, or a designee, who
 123 shall serve as vice chair.

124 3. One member appointed by the Governor.

125 4. One member appointed by the President of the Senate.

126 5. One member appointed by the Speaker of the House of
127 Representatives.

128 6. Two members appointed by the Florida League of Cities
129 who are commissioners or mayors of municipalities. One member
130 shall be from a municipality with a population of fewer than
131 50,000 people.

132 7. Two members appointed by or through the Florida
133 Association of Counties who are county commissioners or mayors.
134 One member shall be appointed from a county with a population of
135 fewer than 200,000 and one member shall be appointed from a
136 county with a population of more than 200,000.

137 8. One member appointed by the Florida Association of
138 Counties, a municipality mayor, or a commissioner appointed by
139 the Florida League of Cities who must alternate every 2 years
140 between being a county commissioner or a mayor.

141 (b) Each member shall serve a 2-year term. Any vacancy
142 shall be filled in the same manner as the original appointment
143 for the remainder of the unexpired term.

144 (c) A member may not receive a commission, fee, or
145 financial benefit in connection with serving on the council.
146 Council members may be reimbursed for per diem and travel
147 expenses in accordance with s. 112.061 by the state agency that
148 the member represents. If the member is not affiliated with a
149 state agency, the member shall be reimbursed by the Department
150 of Children and Families.

151 (3) ORGANIZATION AND SUPPORT.—

152 (a) The first meeting of the council must be held by
 153 August 31, 2023.

154 (b) The council shall meet quarterly and upon the call of
 155 the chair or two other members. Meetings of the council may take
 156 place in person or through electronic transmission using
 157 communications media technology as described in s.
 158 120.54(5)(b)2.

159 (c) A majority of the members of the council shall
 160 constitute a quorum.

161 (d) The department and the Department of Legal Affairs
 162 shall provide the council with staff necessary to assist the
 163 council in the performance of its duties.

164 (e) The council may apply for and accept funds, grants,
 165 gifts, and services from the state, the Federal Government, or
 166 any of its agencies, or any other public or private source for
 167 the purposes of defraying costs or performing its duties.

168 (f) All members shall adhere to all applicable general
 169 law, rules, and regulations, including, but not limited to, s.
 170 112.311, concerning the disclosure of conflicts of interest and
 171 recusal from discussions or votes on conflicted matters.

172 (4) DUTIES.—

173 (a) The council shall advise the state and local
 174 governments on resolving or abating the opioid epidemic and
 175 review how settlement monies recovered from the opioid

176 litigation brought by the state and its subdivisions have been
177 spent and the results that have been achieved from those
178 expenditures.

179 (b) The council shall work with, provide, and receive
180 information from the Statewide Drug Policy Advisory Council and
181 ensure that its recommendations and actions are consistent with
182 that council's recommendations to the extent possible.

183 (c) The council shall review data from local, state, and
184 national agencies:

185 1. Both on a regional and a statewide basis to advise the
186 state and local governments on the current status, severity, and
187 stage of the opioid epidemic.

188 2. Regarding how monies are being spent to abate the
189 opioid epidemic, the success of such programs, and the
190 appropriate metrics needed to assess the epidemic and progress
191 abating it.

192 (d) Each county, city, managing entity, or state agency
193 who receives settlement monies from an opioid settlement shall
194 provide information to the council annually:

195 1. By July 30, 2023, and annually thereafter, relating to
196 how the county, city, managing entity, or agency intends to use
197 settlement funds and collect data regarding its use of funds.

198 2. By August 31, 2023, and annually thereafter, relating
199 to the expenditure of settlement moneys by that entity and the
200 results obtained from those expenditures.

201 (e) The council shall develop metrics, measures, or data
202 sets to assess the progress and success of programs funded by
203 expenditures of opioid settlement monies. In recommending
204 metrics, measures, or data sets, the council shall keep its
205 recommended metrics, measures, or data sets consistent with the
206 metrics, measures, or data sets that the state uses with its
207 managing entities as well as any other metrics, measures, or
208 data sets required by the Substance Abuse and Mental Health
209 Services Administration of the United States Department of
210 Health and Human Services in connection with any grants that the
211 state receives. In connection with such metrics, measures, or
212 data sets, the council may request, and each county, city,
213 managing entity, or state agency must provide, data or
214 information requested to conduct such analysis.

215 (f) In the event that a county, city, managing entity, or
216 agency fails to provide requested data or information, the
217 council or the Department of Legal Affairs, acting on behalf of
218 the council, shall have the ability to seek such data through
219 civil investigative demand, subpoena, or by commencing an action
220 seeking the turnover of such data.

221 (g) The council with assistance and support of the
222 department shall provide a system of documentation and reporting
223 in accordance with the requirements of federal agencies and any
224 other agencies providing funding to the state, including
225 auditing expenditures consistent with any requirements imposed

226 by the legislature.

227 (h) By December 1, 2023, and annually thereafter, the
228 council shall provide and publish an annual report. The report
229 shall contain information on how settlement moneys were spent
230 the previous fiscal year by the state, each of the managing
231 entities, and each of the counties and municipalities. The
232 report shall also contain recommendations to the Governor, the
233 Legislature, and local governments for how moneys should be
234 prioritized and spent the coming fiscal year to respond to the
235 opioid epidemic.

236 (k) The report shall be posted on the websites of the
237 department and the Department of Legal Affairs.

238 Section 3. Paragraph (e) is added to subsection (2) of
239 section 768.13, Florida Statutes, to read:

240 768.13 Good Samaritan Act; immunity from civil liability.—

241 (2)

242 (e)1. Any licensed pharmacy, pharmacist, or pharmacy
243 technician who receives, stores, posses, or dispenses an
244 emergency opioid antagonist for the purpose of dispensing to an
245 emergency responder in compliance with a standing order issued
246 by or at the direction of the State Surgeon General may not be
247 held liable for any damages, penalties, fines, or costs as a
248 result of any act or omission related to receiving, storing,
249 possessing, or dispensing the emergency opioid antagonist.

250 2. The intent of the Legislature is to maximize the

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251 ability of emergency responders to store, possess, and
252 administer an emergency opioid antagonist as defined in s.
253 381.887(1), to persons who are experiencing an opioid overdose,
254 appear to be experiencing an opioid overdose, or are at risk of
255 experiencing an opioid overdose and to encourage every licensed
256 pharmacy, pharmacist, and pharmacy technician to dispense
257 emergency opioid antagonists pursuant to a standing order issued
258 by or at the direction of the State Surgeon General to emergency
259 responders without fear of litigation costs or damages arising
260 from such litigation.

261 Section 4. This act shall take effect July 1, 2023.