

1                   A bill to be entitled  
2           An act relating to drug overdoses; providing  
3           legislative findings and intent; creating s. 401.253,  
4           F.S.; requiring certain persons to report controlled  
5           substance overdoses; defining the term "overdose";  
6           providing requirements for such reports; providing  
7           immunity for persons who make such reports in good  
8           faith; requiring sharing of data with specified  
9           entities; providing for use of such data; providing an  
10          effective date.

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12   Be It Enacted by the Legislature of the State of Florida:

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14          Section 1. (1) The Legislature finds that substance abuse  
15 and drug overdose is a major health problem that affects the  
16 lives of many people, multiple service systems, and leads to  
17 such profoundly disturbing consequences as permanent injury or  
18 death. Heroin, opiates, illegal drug, and accidental overdoses  
19 are a crisis and stress the financial, health care, and public  
20 safety resources because there are no central databases that can  
21 quickly help address this problem. Quick data collection will  
22 allow all agencies to focus on specific age groups, areas,  
23 criminal behavior, and needed public education and prevention  
24 with the maximum utilization of resources. Further, it is the  
25 intent of the Legislature to require the collaboration of local,

26 regional, and state agencies, service systems, and program  
27 offices to address the needs of the public; to establish a  
28 comprehensive system addressing the problems associated with  
29 drug overdoses; and to reduce duplicative requirements across  
30 local, county, state, and health care agencies.

31 (2) It is the goal of the Legislature in this act to:

32 (a) Discourage substance abuse and accidental or  
33 intentional overdoses by quickly identifying the type of drug  
34 involved, whether prescription or illegal, the age of the  
35 individual involved, and the areas where drug overdoses pose a  
36 potential risk to the public, schools, workplaces, and  
37 communities.

38 (b) Provide a central data point so that data can be  
39 shared between the health care community and municipal, county,  
40 and state agencies to quickly identify needs and provide short  
41 and long-term solutions while protecting and respecting the  
42 rights of individuals.

43 (3) It is the intent of the Legislature in this act to  
44 maximize:

45 (a) The efficiency of financial, public education, health  
46 professional, and public safety resources so that these  
47 resources may be concentrated on areas and groups in need.

48 (b) The utilization of funding programs for the  
49 dissemination of available federal, state, and private funds  
50 through contractual agreements with licensed basic life support

51 service providers, advanced life support service providers,  
52 community-based organizations, or units of state or local  
53 government that deliver local substance abuse services in  
54 accordance with the intent of this act and s. 397.321(4),  
55 Florida Statutes.

56 Section 2. Section 401.253, Florida Statutes, is created  
57 to read:

58 401.253 Mandatory reporting of controlled substance  
59 overdoses.—

60 (1)(a) The basic life support service or advanced life  
61 support service which treats and releases, or transports to a  
62 medical facility, in response to an emergency call for a  
63 suspected or actual overdose of a controlled substance shall  
64 report such incident within 120 hours to the department using  
65 the Emergency Medical Service Tracking and Reporting System, or  
66 other appropriate method, including, but not limited to,  
67 ESSENCE, the Washington/Baltimore High Intensity Drug  
68 Trafficking Overdose Detection Mapping Application Program, or  
69 other program identified by the department in rule.

70 (b) The data collected by the department shall be made  
71 available within 120 hours to law enforcement, public health,  
72 fire rescue, and emergency medical service agencies in each  
73 county.

74 (c) For purposes of this section, the term "overdose"  
75 means a condition, including, but not limited to, extreme

76 physical illness, decreased level of consciousness, respiratory  
77 depression, coma, or death resulting from the consumption or use  
78 of any controlled substance that requires medical attention,  
79 assistance or treatment, and clinical suspicion for drug  
80 overdose, such as respiratory depression, unconsciousness, or  
81 altered mental status, without other conditions to explain the  
82 clinical condition.

83 (2) A person who reports an overdose of a controlled  
84 substance under this section shall include in the report:

85 (a) The date and time of overdose.

86 (b) The gender and approximate age of the person receiving  
87 attention or treatment.

88 (c) The suspected controlled substances involved in the  
89 overdose.

90 (d) The approximate address of where the person was picked  
91 up or where the overdose took place.

92 (e) Whether Narcan, naloxone, or similar anti-overdose  
93 treatment was administered.

94 (f) Whether the overdose was fatal or nonfatal.

95 (3) A person who reports information to or from the  
96 department pursuant to this section in good faith is not subject  
97 to civil or criminal liability for making the report.

98 (4) The department shall produce a quarterly report to the  
99 Statewide Drug Policy Advisory Council, the Department of  
100 Children and Families, and the Florida FUSION Center summarizing

101 the raw data received pursuant to this section. Such reports  
102 shall also be made immediately available to the county-level  
103 agencies described in paragraph (1) (b). The Statewide Drug  
104 Policy Advisory Council, the Department of Children and  
105 Families, and the department may use these reports to maximize  
106 the utilization of funding programs for licensed basic life  
107 support service providers or advanced life support service  
108 providers, and for the dissemination of available federal,  
109 state, and private funds for local substance abuse services in  
110 accordance with s. 397.321(4).

111 Section 3. This act shall take effect October 1, 2017.