



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.; permitting certain entities to report controlled  
5           substance overdoses to the Department of Health;  
6           defining the term "overdose"; providing requirements  
7           for such reports; providing immunity for persons who  
8           make reports in good faith; providing that a failure  
9           to report is not a basis for licensure discipline;  
10          requiring sharing of data with specified entities;  
11          providing for use of such data; amending s. 395.1041,  
12          F.S.; requiring a hospital with an emergency  
13          department to develop a best practices policy to  
14          promote the prevention of unintentional drug  
15          overdoses; authorizing the policy to include certain  
16          processes, guidelines, and protocols; providing an  
17          effective date.

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

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21          Section 1. (1) The Legislature finds that substance abuse  
22          and drug overdose is a major health problem that affects the  
23          lives of many people, multiple service systems, and leads to  
24          such profoundly disturbing consequences as permanent injury or  
25          death. Heroin, opiates, illegal drug, and accidental overdoses



26 | are a crisis and stress the financial, health care, and public  
27 | safety resources because there are no central databases that can  
28 | quickly help address this problem. Quick data collection will  
29 | allow all agencies to focus on specific age groups, areas,  
30 | criminal behavior, and needed public education and prevention  
31 | with the maximum utilization of resources. Further, it is the  
32 | intent of the Legislature to require the collaboration of local,  
33 | regional, and state agencies, service systems, and program  
34 | offices to address the needs of the public; to establish a  
35 | comprehensive system addressing the problems associated with  
36 | drug overdoses; and to reduce duplicative requirements across  
37 | local, county, state, and health care agencies.

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

39 | (a) Discourage substance abuse and accidental or  
40 | intentional overdoses by quickly identifying the type of drug  
41 | involved, whether prescription or illegal, the age of the  
42 | individual involved, and the areas where drug overdoses pose a  
43 | potential risk to the public, schools, workplaces, and  
44 | communities.

45 | (b) Provide a central data point so that data can be  
46 | shared between the health care community and municipal, county,  
47 | and state agencies to quickly identify needs and provide short  
48 | and long-term solutions while protecting and respecting the  
49 | rights of individuals.

50 | (3) It is the intent of the Legislature in this act to



51 maximize:

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

55 (b) The utilization of funding programs for the  
56 dissemination of available federal, state, and private funds  
57 through contractual agreements with licensed basic life support  
58 service providers, advanced life support service providers,  
59 community-based organizations, or units of state or local  
60 government that deliver local substance abuse services in  
61 accordance with the intent of this act and s. 397.321(4),  
62 Florida Statutes.

63 Section 2. Section 401.253, Florida Statutes, is created  
64 to read:

65 401.253 Reporting of controlled substance overdoses.—

66 (1) (a) A basic life support service or advanced life  
67 support service which treats and releases, or transports to a  
68 medical facility, in response to an emergency call for a  
69 suspected or actual overdose of a controlled substance may  
70 report such incidents to the department. Such reports must be  
71 made using the Emergency Medical Service Tracking and Reporting  
72 System or other appropriate method with secure access,  
73 including, but not limited to, the Washington/Baltimore High  
74 Intensity Drug Trafficking Overdose Detection Mapping  
75 Application Program or other program identified by the



76 department in rule. If a basic life support service or advanced  
77 life support service reports such incidents, it shall make its  
78 best efforts to make the report to the department within 120  
79 hours after it responds to the incident.

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

84 (c) For purposes of this section, the term "overdose"  
85 means a condition, including, but not limited to, extreme  
86 physical illness, decreased level of consciousness, respiratory  
87 depression, coma, or death resulting from the consumption or use  
88 of any controlled substance that requires medical attention,  
89 assistance or treatment, and clinical suspicion for drug  
90 overdose, such as respiratory depression, unconsciousness, or  
91 altered mental status, without other conditions to explain the  
92 clinical condition.

93 (2) (a) A report of an overdose of a controlled substance  
94 under this section shall include:

95 1. The date and time of overdose.

96 2. The approximate address of where the person was picked  
97 up or where the overdose took place.

98 3. Whether an emergency opioid antagonist, as defined in  
99 s. 381.887, was administered.

100 4. Whether the overdose was fatal or nonfatal.



101 (b) A report of an overdose of a controlled substance  
102 under this section shall also include, if the reporting  
103 mechanism permits:

104 1. The gender and approximate age of the person receiving  
105 attention or treatment.

106 2. The suspected controlled substance involved in the  
107 overdose.

108 (3) A basic life support service or advanced life support  
109 service that reports information to or from the department  
110 pursuant to this section in good faith is not subject to civil  
111 or criminal liability for making the report.

112 (4) Failure to report an overdose under this section is  
113 not grounds for disciplinary action or penalties pursuant to s.  
114 401.411(1)(a).

115 (5) The department shall produce a quarterly report to the  
116 Statewide Drug Policy Advisory Council, the Department of  
117 Children and Families, and the Florida FUSION Center summarizing  
118 the raw data received pursuant to this section. Such reports  
119 shall also be made immediately available to the county-level  
120 agencies described in paragraph (1)(b). The Statewide Drug  
121 Policy Advisory Council, the Department of Children and  
122 Families, and the department may use these reports to maximize  
123 the utilization of funding programs for licensed basic life  
124 support service providers or advanced life support service  
125 providers, and for the dissemination of available federal,



126 state, and private funds for local substance abuse services in  
127 accordance with s. 397.321(4).

128 Section 3. Subsection (6) of section 395.1041, Florida  
129 Statutes, is amended to read:

130 395.1041 Access to emergency services and care.—

131 (6) RIGHTS OF PERSONS BEING TREATED.—

132 (a) A hospital providing emergency services and care to a  
133 person who is being involuntarily examined under the provisions  
134 of s. 394.463 shall adhere to the rights of patients specified  
135 in part I of chapter 394 and the involuntary examination  
136 procedures provided in s. 394.463, regardless of whether the  
137 hospital, or any part thereof, is designated as a receiving or  
138 treatment facility under part I of chapter 394 and regardless of  
139 whether the person is admitted to the hospital.

140 (b) Each hospital with an emergency department shall  
141 develop a best practices policy to promote the prevention of  
142 unintentional drug overdoses. The policy may include, but is not  
143 limited to:

144 1. A process to obtain the patient's consent to notify the  
145 patient's next of kin, and each physician or health care  
146 practitioner who prescribed a controlled substance to the  
147 patient, regarding the patient's overdose, her or his location,  
148 and the nature of the substance or controlled substance involved  
149 in the overdose.

150 2. A process for providing the patient or the patient's



151 next of kin with information about licensed substance abuse  
152 treatment services, voluntary admission procedures under part IV  
153 of chapter 397, involuntary admission procedures under part V of  
154 chapter 397, and involuntary commitment procedures under chapter  
155 394.

156 3. Guidelines for emergency department health care  
157 practitioners authorized to prescribe controlled substances to  
158 reduce the risk of opioid use, misuse, and addiction.

159 4. The use of licensed or certified behavioral health  
160 professionals or peer specialists in the emergency department to  
161 encourage the patient to seek substance abuse treatment.

162 5. The use of Screening, Brief Intervention, and Referral  
163 to Treatment protocols in the emergency department.

164 6. This paragraph may not be construed as creating a cause  
165 of action by any party.

166 Section 4. This act shall take effect October 1, 2017.