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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SA1/C
04/24/2015 10:58 AM	.	04/28/2015 01:01 PM
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Senator Evers moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Emergency  
Treatment and Recovery Act."

Section 2. Section 381.887, Florida Statutes, is created to  
read:

381.887 Emergency treatment for suspected opioid overdose.

(1) As used in this section, the term:

(a) "Administer" or "administration" means to introduce an



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12 emergency opioid antagonist into the body of a person.

13 (b) "Authorized health care practitioner" means a licensed  
14 practitioner authorized by the laws of this state to prescribe  
15 drugs.

16 (c) "Caregiver" means a family member, friend, or person in  
17 a position to have recurring contact with a person at risk of  
18 experiencing an opioid overdose.

19 (d) "Emergency opioid antagonist" means naloxone  
20 hydrochloride or any similarly acting drug that blocks the  
21 effects of opioids administered from outside the body and that  
22 is approved by the United States Food and Drug Administration  
23 for the treatment of an opioid overdose.

24 (e) "Patient" means a person at risk of experiencing an  
25 opioid overdose.

26 (2) The purpose of this section is to provide for the  
27 prescription of an emergency opioid antagonist to patients and  
28 caregivers and to encourage the prescription of emergency opioid  
29 antagonists by authorized health care practitioners.

30 (3) An authorized health care practitioner may prescribe  
31 and dispense an emergency opioid antagonist to a patient or  
32 caregiver for use in accordance with this section, and  
33 pharmacists may dispense an emergency opioid antagonist pursuant  
34 to a prescription issued in the name of the patient or  
35 caregiver, which is appropriately labeled with instructions for  
36 use. Such patient or caregiver is authorized to store and  
37 possess approved emergency opioid antagonists and, in an  
38 emergency situation when a physician is not immediately  
39 available, administer the emergency opioid antagonist to a  
40 person believed in good faith to be experiencing an opioid



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41 overdose, regardless of whether that person has a prescription  
42 for an emergency opioid antagonist.

43 (4) Emergency responders, including, but not limited to,  
44 law enforcement officers, paramedics, and emergency medical  
45 technicians, are authorized to possess, store, and administer  
46 emergency opioid antagonists as clinically indicated.

47 (5) A person, including, but not limited to, an authorized  
48 health care practitioner, a dispensing health care practitioner,  
49 or a pharmacist, who possesses, administers, prescribes,  
50 dispenses, or stores an approved emergency opioid antagonist in  
51 compliance with this section and s. 768.13 is afforded the civil  
52 liability immunity protections provided under s. 768.13.

53 (6) (a) An authorized health care practitioner, acting in  
54 good faith and exercising reasonable care, is not subject to  
55 discipline or other adverse action under any professional  
56 licensure statute or rule and is immune from any civil or  
57 criminal liability as a result of prescribing an emergency  
58 opioid antagonist in accordance with this section.

59 (b) A dispensing health care practitioner or pharmacist,  
60 acting in good faith and exercising reasonable care, is not  
61 subject to discipline or other adverse action under any  
62 professional licensure statute or rule and is immune from any  
63 civil or criminal liability as a result of dispensing an  
64 emergency opioid antagonist in accordance with this section.

65 (7) This section does not limit any existing immunities for  
66 emergency responders or other persons which is provided under  
67 this chapter or any other applicable provision of law. This  
68 section does not create a duty or standard of care for a person  
69 to prescribe or administer an emergency opioid antagonist.



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

71

72 ===== T I T L E A M E N D M E N T =====

73 And the title is amended as follows:

74 Delete everything before the enacting clause  
75 and insert:

76 A bill to be entitled  
77 An act relating to emergency treatment for opioid  
78 overdose; providing a short title; creating s.  
79 381.887, F.S.; defining terms; providing a purpose;  
80 authorizing certain health care practitioners to  
81 prescribe and dispense an emergency opioid antagonist  
82 to a patient or caregiver under certain conditions;  
83 authorizing pharmacists to dispense an emergency  
84 opioid antagonist under certain circumstances;  
85 authorizing storage, possession, and administration of  
86 an emergency opioid antagonist by a patient or  
87 caregiver and certain emergency responders; providing  
88 immunity from liability; providing immunity from  
89 professional sanction or disciplinary action for  
90 certain health care practitioners and pharmacists,  
91 under certain circumstances; providing applicability;  
92 providing that a duty or standard of care is not  
93 created by the section; providing an effective date.