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LEGISLATIVE ACTION

Senate

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House

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Floor: NC

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04/24/2015 10:56 AM

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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 the 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, appropriately labeled with instructions for use. Such
36 patient or caregiver is authorized to store and possess approved
37 emergency opioid antagonists and, in an emergency situation when
38 a physician is not immediately available, administer the
39 emergency opioid antagonist to a person believed in good faith
40 to be experiencing an opioid overdose, regardless of whether



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41 that person has a prescription for an emergency opioid
42 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 others provided under this chapter or
67 any other applicable provision of law. This section does not
68 create a duty or standard of care for a person to prescribe or
69 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.