

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; providing an effective
12 date.

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

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

26 | with the maximum utilization of resources. Further, it is the
27 | intent of the Legislature to require the collaboration of local,
28 | regional, and state agencies, service systems, and program
29 | offices to address the needs of the public; to establish a
30 | comprehensive system addressing the problems associated with
31 | drug overdoses; and to reduce duplicative requirements across
32 | local, county, state, and health care agencies.

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

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

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

45 | (3) It is the intent of the Legislature in this act to
46 | maximize:

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

50 | (b) The utilization of funding programs for the

51 dissemination of available federal, state, and private funds
52 through contractual agreements with licensed basic life support
53 service providers, advanced life support service providers,
54 community-based organizations, or units of state or local
55 government that deliver local substance abuse services in
56 accordance with the intent of this act and s. 397.321(4),
57 Florida Statutes.

58 Section 2. Section 401.253, Florida Statutes, is created
59 to read:

60 401.253 Reporting of controlled substance overdoses.—

61 (1) (a) A basic life support service or advanced life
62 support service which treats and releases, or transports to a
63 medical facility, in response to an emergency call for a
64 suspected or actual overdose of a controlled substance may
65 report such incidents to the department. Such reports must be
66 made using the Emergency Medical Service Tracking and Reporting
67 System or other appropriate method with secure access,
68 including, but not limited to, the Washington/Baltimore High
69 Intensity Drug Trafficking Overdose Detection Mapping
70 Application Program or other program identified by the
71 department in rule. If a basic life support service or advanced
72 life support service reports such incidents, it shall make its
73 best efforts to make the report to the department within 120
74 hours after it responds to the incident.

75 (b) The data collected by the department shall be made

76 available within 120 hours to law enforcement, public health,
77 fire rescue, and emergency medical service agencies in each
78 county.

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

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

90 1. The date and time of overdose.

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

93 3. Whether an emergency opioid antagonist, as defined in
94 s. 381.887, was administered.

95 4. Whether the overdose was fatal or nonfatal.

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

99 1. The gender and approximate age of the person receiving
100 attention or treatment.

101 2. The suspected controlled substance involved in the
102 overdose.

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

107 (4) Failure to report an overdose under this section is
108 not grounds for disciplinary action or penalties pursuant to s.
109 401.411(1)(a).

110 (5) The department shall produce a quarterly report to the
111 Statewide Drug Policy Advisory Council, the Department of
112 Children and Families, and the Florida FUSION Center summarizing
113 the raw data received pursuant to this section. Such reports
114 shall also be made immediately available to the county-level
115 agencies described in paragraph (1)(b). The Statewide Drug
116 Policy Advisory Council, the Department of Children and
117 Families, and the department may use these reports to maximize
118 the utilization of funding programs for licensed basic life
119 support service providers or advanced life support service
120 providers, and for the dissemination of available federal,
121 state, and private funds for local substance abuse services in
122 accordance with s. 397.321(4).

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