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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Health Policy (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. (1) The Legislature finds that substance abuse and drug overdose are major health problems that affect the lives of many people and multiple service systems and that lead to such profoundly disturbing consequences as permanent injury or death. Heroin, opiates, illegal drugs, and accidental overdoses are a crisis and stress the financial, health care,



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11 and public safety resources because there are no central
12 databases that can quickly help address this problem. Quick data
13 collection will allow all agencies to focus on specific age
14 groups, areas, criminal behavior, and needed public education
15 and prevention with the maximum utilization of resources.
16 Further, it is the intent of the Legislature to require the
17 collaboration of local, regional, and state agencies, service
18 systems, and program offices to address the needs of the public;
19 to establish a comprehensive system addressing the problems
20 associated with drug overdoses; and to reduce duplicative
21 requirements across local, county, state, and health care
22 agencies.

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

24 (a) Discourage substance abuse and accidental or
25 intentional overdoses by quickly identifying the type of drug
26 involved, whether prescription or illegal, the age of the
27 individual involved, and the areas where drug overdoses pose a
28 potential risk to the public, schools, workplaces, and
29 communities.

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

35 (3) It is the intent of the Legislature in this act to
36 maximize:

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



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40 (b) The utilization of funding programs for the
41 dissemination of available federal, state, and private funds
42 through contractual agreements with licensed basic life support
43 service providers, advanced life support service providers,
44 community-based organizations, or units of state or local
45 government that deliver local substance abuse services in
46 accordance with the intent of this act and s. 397.321(4),
47 Florida Statutes.

48 Section 2. Section 401.253, Florida Statutes, is created to
49 read:

50 401.253 Reporting of controlled substance overdoses.-

51 (1) (a) A basic life support service or advanced life
52 support service that treats and releases, or transports to a
53 medical facility, a person in response to an emergency call for
54 a suspected or actual overdose of a controlled substance may
55 report such incidents to the department. Such reports must be
56 made using the Emergency Medical Services Tracking and Reporting
57 System, or other appropriate method with secure access,
58 including, but not limited to, the Washington/Baltimore High
59 Intensity Drug Trafficking Area's Overdose Detection Mapping
60 Application Program or other program identified by the
61 department in rule. If a basic life support service or advanced
62 life support service reports such incidents, it shall use best
63 efforts to make the report to the department within 120 hours.

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

68 (c) For purposes of this section, the term "overdose" means



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69 a condition, including, but not limited to, extreme physical
70 illness, decreased level of consciousness, respiratory
71 depression, coma, or death resulting from the consumption or use
72 of any controlled substance which requires medical attention,
73 assistance, or treatment, or clinical suspicion for drug
74 overdose, such as respiratory depression, unconsciousness, or
75 altered mental status, without other conditions to explain the
76 clinical condition.

77 (2)(a) A report of an overdose of a controlled substance
78 under this section must include:

79 1. The date and time of overdose.

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

82 3. Whether an emergency opioid antagonist, as defined in s.
83 381.887, was administered.

84 4. Whether the overdose was fatal or nonfatal.

85 (b) A report of an overdose of a controlled substance under
86 this section must also include, if the reporting mechanism
87 permits:

88 1. The gender and approximate age of the person receiving
89 attention or treatment.

90 2. The suspected controlled substance involved in the
91 overdose.

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

96 (4) Failure to report an overdose under this section is not
97 grounds for disciplinary action or penalties pursuant to s.



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98 401.411(1)(a).

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

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

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

115 And the title is amended as follows:

116 Delete everything before the enacting clause
117 and insert:

118 A bill to be entitled

119 An act relating to drug overdoses; providing
120 legislative findings and intent; creating s. 401.253,
121 F.S.; authorizing certain entities to report
122 controlled substance overdoses to the Department of
123 Health; defining the term "overdose"; providing
124 requirements for such reports; providing immunity for
125 persons who make reports in good faith; providing that
126 a failure to report is not a basis for licensure



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127 discipline; requiring the department to produce a
128 quarterly report and share the data with specified
129 entities; providing for use of such data; providing an
130 effective date.