

By Senator Passidomo

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1 A bill to be entitled
2 An act relating to drug overdoses; providing
3 legislative findings and intent; creating s. 893.22,
4 F.S.; requiring certain persons to report controlled
5 substance overdoses; providing for a reporting agency
6 in each county; defining the term "overdose";
7 providing requirements for such reports; providing
8 immunity for persons who make such reports in good
9 faith; requiring sharing of data with specified
10 entities; providing for use of such data; requiring
11 maintenance of records for a specified period;
12 prohibiting failure to make such reports, whether by
13 omission or willfully; providing criminal penalties;
14 providing an effective date.

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

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18 Section 1. (1) The Legislature finds that substance abuse
19 and drug overdose is a major health problem that affects the
20 lives of many people, multiple service systems, and leads to
21 such profoundly disturbing consequences as permanent injury or
22 death. Heroin, opiate, illegal drug, and accidental overdoses
23 are a crisis and stress the financial, health care, and public
24 safety resources because there exist no central databases that
25 can quickly help address this problem. Quick data collection
26 will allow all agencies to focus on specific age groups, areas,
27 criminal behavior, and needed public education and prevention
28 with the maximum utilization of resources. Further, it is the
29 intent of the Legislature to require the collaboration of local,
30 regional, and state agencies, service systems, and program
31 offices to achieve the goals of chapter 893, Florida Statutes,
32 and address the needs of the public; to establish a

28-00724-17

2017588__

33 comprehensive system addressing the problems associated with
34 drug overdoses; and to reduce duplicative requirements across
35 local, county, state, and health care agencies. This act is
36 designed to address the crisis of drug overdoses.

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

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

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

49 (3) It is the intent of the Legislature in this act to
50 maximize:

51 (a) The efficiency of financial, public education, health
52 professional, and public safety resources so that these
53 resources may be concentrated on areas and groups in need on the
54 performance of professional functions necessary to carry out the
55 intent of chapter 893, Florida Statutes.

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

28-00724-17

2017588__

62 Section 2. Section 893.22, Florida Statutes, is created to
63 read:

64 893.22 Mandatory reporting of controlled substance
65 overdoses.—

66 (1) (a) A physician, nurse, paramedic, emergency medical
67 technician, or health care worker, or employee thereof, and any
68 employee of a hospital, sanatorium, or other institution or
69 provider who knowingly attends or treats or who is requested to
70 attend or treat an overdose of a controlled substance listed in
71 s. 893.03 shall report, within 24 hours, such attention or
72 treatment, or request therefor, to the sheriff or chief law
73 enforcement officer in the county in which such attention or
74 treatment is administered or request therefor received.

75 (b) The sheriff or chief law enforcement officer in each
76 county may, in his or her discretion, designate or partner with
77 a public organization or other agency, such as the medical
78 examiner, to receive, store, and manage the reports and other
79 data described in this section.

80 (c) For purposes of this section, the term "overdose" means
81 a condition, including, but not limited to, extreme physical
82 illness, decreased level of consciousness, respiratory
83 depression, coma, or death resulting from the consumption or use
84 of any substance listed in 893.03 that requires medical
85 attention, assistance or treatment, and clinical suspicion for
86 drug overdose, such as respiratory depression, unconsciousness,
87 or altered mental status, without other conditions to explain
88 the clinical condition.

89 (2) A person who reports an overdose of a controlled
90 substance under this section shall include in the report:

28-00724-17

2017588__

91 (a) The date of overdose.

92 (b) The approximate age of the person receiving attention
93 or treatment.

94 (c) The suspected kind and quantity of controlled
95 substances involved in the overdose.

96 (d) The approximate address of where the person was picked
97 up, where the overdose took place, or where the person resides.

98 (3) A person who makes a report under this section in good
99 faith is not subject to civil or criminal liability for making
100 the report.

101 (4) The sheriff or chief law enforcement officer in each
102 county, or other organization or agency as designated by such
103 officer pursuant to subsection (1), shall share the general
104 data, excluding any data relating to a criminal charge, with
105 health care professionals and the county health department. Each
106 county health department shall make a semiannual report to the
107 Statewide Drug Policy Advisory Council in accordance with a
108 schedule set by the council summarizing the data for that
109 county. The council may use the reports to maximize the
110 utilization of funding programs for the dissemination of
111 available federal, state, and private funds for local substance
112 abuse services in accordance with s. 397.321(4).

113 (5) The sheriff or chief law enforcement officer in each
114 county, or other organization or agency designated pursuant to
115 subsection (1), shall maintain the records described in this
116 section. Such records shall be kept and made available for a
117 period of not less than 5 years for inspection and copying by
118 law enforcement officers whose duty it is to enforce the laws of
119 this state relating to controlled substances. Law enforcement

28-00724-17

2017588__

120 officers are not required to obtain a subpoena, court order, or
121 search warrant in order to obtain access to copies of such
122 records.

123 (6) A person who:

124 (a) Fails by omission to report the treatment of a drug
125 overdose of a substance listed in s. 893.03 within 24 hours
126 after discovery as required in this section commits a
127 misdemeanor of the second degree, punishable as provided in s.
128 775.082 or s. 775.083.

129 (b) Willfully refuses to report the treatment of a drug
130 overdose of a substance listed in s. 893.03 within 24 hours
131 after discovery as required in this section commits a
132 misdemeanor of the first degree, punishable as provided in s.
133 775.082 or s. 775.083.

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