

By the Committee on Health Policy; and 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. 401.253,
4 F.S.; authorizing certain entities to report
5 controlled substance overdoses to the Department of
6 Health; defining the term "overdose"; providing
7 requirements for such reports; providing immunity for
8 persons who make reports in good faith; providing that
9 a failure to report is not a basis for licensure
10 discipline; requiring the department to produce a
11 quarterly report and share the data with specified
12 entities; providing for use of such data; providing an
13 effective date.

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

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

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30 systems, and program offices to address the needs of the public;
31 to establish a comprehensive system addressing the problems
32 associated with drug overdoses; and to reduce duplicative
33 requirements across local, county, state, and health care
34 agencies.

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

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

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

47 (3) It is the intent of the Legislature in this act to
48 maximize:

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

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

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59 Florida Statutes.

60 Section 2. Section 401.253, Florida Statutes, is created to
61 read:

62 401.253 Reporting of controlled substance overdoses.-

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

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

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 controlled substance which requires medical attention,
85 assistance, or treatment, or clinical suspicion for drug
86 overdose, such as respiratory depression, unconsciousness, or
87 altered mental status, without other conditions to explain the

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88 clinical condition.

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

91 1. The date and time of overdose.

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

94 3. Whether an emergency opioid antagonist, as defined in s.
95 381.887, was administered.

96 4. Whether the overdose was fatal or nonfatal.

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

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

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

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

108 (4) Failure to report an overdose under this section is not
109 grounds for disciplinary action or penalties pursuant to s.
110 401.411(1)(a).

111 (5) The department shall produce a quarterly report to the
112 Statewide Drug Policy Advisory Council, the Department of
113 Children and Families, and the Florida Fusion Center summarizing
114 the raw data received pursuant to this section. Such reports
115 shall also be made immediately available to the county-level
116 agencies described in paragraph (1)(b). The Statewide Drug

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117 Policy Advisory Council, the Department of Children and
118 Families, and the department may use these reports to maximize
119 the utilization of funding programs for licensed basic life
120 support service providers or advanced life support service
121 providers, and for the dissemination of available federal,
122 state, and private funds for local substance abuse services in
123 accordance with s. 397.321(4).

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