

By the Committees on Criminal Justice; and Health Policy; and
Senator Passidomo

591-03918-17

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1 A bill to be entitled
2 An act relating to drug overdoses; providing
3 legislative findings and intent; amending s. 395.1041,
4 F.S.; requiring a hospital with an emergency
5 department to develop a best practices policy to
6 promote the prevention of unintentional drug
7 overdoses; authorizing the policy to include certain
8 processes, guidelines, uses of professionals or
9 specialists, and protocols; creating s. 401.253, F.S.;
10 authorizing certain entities to report controlled
11 substance overdoses to the Department of Health;
12 defining the term "overdose"; providing requirements
13 for such reports; providing immunity for persons who
14 make reports in good faith; providing that a failure
15 to report is not a basis for licensure discipline;
16 requiring the department to produce a quarterly report
17 and share the data with specified entities; providing
18 for use of such data; providing an effective date.

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

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22 Section 1. (1) The Legislature finds that substance abuse
23 and drug overdose are major health problems that affect the
24 lives of many people and multiple service systems and that lead
25 to such profoundly disturbing consequences as permanent injury
26 or death. Heroin, opiates, illegal drugs, and accidental
27 overdoses are a crisis and stress the financial, health care,
28 and public safety resources because there are no central
29 databases that can quickly help address this problem. Quick data

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30 collection will allow all agencies to focus on specific age
31 groups, areas, criminal behavior, and needed public education
32 and prevention with the maximum utilization of resources.
33 Further, it is the intent of the Legislature to require the
34 collaboration of local, regional, and state agencies, service
35 systems, and program offices to address the needs of the public;
36 to establish a comprehensive system addressing the problems
37 associated with drug overdoses; and to reduce duplicative
38 requirements across local, county, state, and health care
39 agencies.

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

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

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

52 (3) It is the intent of the Legislature in this act to
53 maximize:

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

57 (b) The utilization of funding programs for the
58 dissemination of available federal, state, and private funds

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59 through contractual agreements with licensed basic life support
60 service providers, advanced life support service providers,
61 community-based organizations, or units of state or local
62 government that deliver local substance abuse services in
63 accordance with the intent of this act and s. 397.321(4),
64 Florida Statutes.

65 Section 2. Subsection (6) of section 395.1041, Florida
66 Statutes, is amended to read:

67 395.1041 Access to emergency services and care.—

68 (6) RIGHTS OF PERSONS BEING TREATED.—

69 (a) A hospital providing emergency services and care to a
70 person who is being involuntarily examined under the provisions
71 of s. 394.463 shall adhere to the rights of patients specified
72 in part I of chapter 394 and the involuntary examination
73 procedures provided in s. 394.463, regardless of whether the
74 hospital, or any part thereof, is designated as a receiving or
75 treatment facility under part I of chapter 394 and regardless of
76 whether the person is admitted to the hospital.

77 (b) Each hospital with an emergency department shall
78 develop a best practices policy to promote the prevention of
79 unintentional drug overdoses. The policy may include, but is not
80 limited to:

81 1. A process to obtain the patient's consent to notify the
82 patient's next of kin, and each physician or health care
83 practitioner who prescribed a controlled substance to the
84 patient, regarding the patient's overdose, her or his location,
85 and the nature of the substance or controlled substance involved
86 in the overdose.

87 2. A process for providing the patient or the patient's

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88 next of kin with information about licensed substance abuse
89 treatment services, voluntary admission procedures under part IV
90 of chapter 397, involuntary admission procedures under part V of
91 chapter 397, and involuntary commitment procedures under chapter
92 394.

93 3. Guidelines for emergency department health care
94 practitioners authorized to prescribe controlled substances to
95 reduce the risk of opioid use, misuse, and addiction.

96 4. The use of licensed or certified behavioral health
97 professionals or peer specialists in the emergency department to
98 encourage the patient to seek substance abuse treatment.

99 5. The use of Screening, Brief Intervention, and Referral
100 to Treatment protocols in the emergency department.

101 Section 3. Section 401.253, Florida Statutes, is created to
102 read:

103 401.253 Reporting of controlled substance overdoses.-

104 (1) (a) A basic life support service or advanced life
105 support service that treats and releases, or transports to a
106 medical facility, a person in response to an emergency call for
107 a suspected or actual overdose of a controlled substance may
108 report such incidents to the department. Such reports must be
109 made using the Emergency Medical Services Tracking and Reporting
110 System, or other appropriate method with secure access,
111 including, but not limited to, the Washington/Baltimore High
112 Intensity Drug Trafficking Area's Overdose Detection Mapping
113 Application Program or other program identified by the
114 department in rule. If a basic life support service or advanced
115 life support service reports such incidents, it shall use best
116 efforts to make the report to the department within 120 hours.

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

121 (c) For purposes of this section, the term "overdose"
122 means:

123 1. A condition, including, but not limited to, extreme
124 physical illness, decreased level of consciousness, respiratory
125 depression, coma, or death resulting from the consumption or use
126 of any controlled substance which requires medical attention,
127 assistance, or treatment; or

128 2. Clinical suspicion of drug overdose, such as respiratory
129 depression, unconsciousness, or altered mental status, without
130 other conditions to explain the clinical condition.

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

133 1. The date and time of overdose.

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

136 3. Whether an emergency opioid antagonist, as defined in s.
137 381.887, was administered.

138 4. Whether the overdose was fatal or nonfatal.

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

142 1. The gender and approximate age of the person receiving
143 attention or treatment.

144 2. The suspected controlled substance involved in the
145 overdose.

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

150 (4) Failure to report an overdose under this section is not
151 grounds for disciplinary action or penalties pursuant to s.
152 401.411(1)(a).

153 (5) The department shall produce a quarterly report to the
154 Statewide Drug Policy Advisory Council, the Department of
155 Children and Families, and the Florida Fusion Center summarizing
156 the raw data received pursuant to this section. Such reports
157 shall also be made immediately available to the county-level
158 agencies described in paragraph (1)(b). The Statewide Drug
159 Policy Advisory Council, the Department of Children and
160 Families, and the department may use these reports to maximize
161 the utilization of funding programs for licensed basic life
162 support service providers or advanced life support service
163 providers, and for the dissemination of available federal,
164 state, and private funds for local substance abuse services in
165 accordance with s. 397.321(4).

166 Section 4. This act shall take effect October 1, 2017.