

By the Committees on Rules; Criminal Justice; and 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; amending s. 395.1041,
4 F.S.; requiring hospitals that have 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; providing construction;
10 creating s. 401.253, F.S.; authorizing certain
11 entities to report controlled substance overdoses to
12 the Department of Health; defining the term
13 "overdose"; providing requirements for such reports;
14 providing immunity for persons who make reports in
15 good faith; providing that a failure to report is not
16 a basis for licensure discipline; requiring the
17 department to produce a quarterly report and share the
18 data with specified entities; providing for use of
19 such data; providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. (1) The Legislature finds that substance abuse
24 and drug overdose are major health problems that affect the
25 lives of many people and multiple service systems and that lead
26 to such profoundly disturbing consequences as permanent injury
27 or death. Heroin, opiates, illegal drugs, and accidental
28 overdoses are a crisis and stress the financial, health care,
29 and public safety resources because there are no central

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

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

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

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

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

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

58 (b) The utilization of funding programs for the

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

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

68 395.1041 Access to emergency services and care.-

69 (6) RIGHTS OF PERSONS BEING TREATED.-

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

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

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

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88 2. A process for providing the patient or the patient's
89 next of kin with information about licensed substance abuse
90 treatment services, voluntary admission procedures under part IV
91 of chapter 397, involuntary admission procedures under part V of
92 chapter 397, and involuntary commitment procedures under chapter
93 394.

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

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

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

102
103 This paragraph may not be construed as creating a cause of
104 action for any party.

105 Section 3. Section 401.253, Florida Statutes, is created to
106 read:

107 401.253 Reporting of controlled substance overdoses.-

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

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117 Application Program or other program identified by the
118 department in rule. If a basic life support service or advanced
119 life support service reports such incidents, it shall use best
120 efforts to make the report to the department within 120 hours.

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

125 (c) For purposes of this section, the term "overdose"
126 means:

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

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

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

137 1. The date and time of overdose.

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

140 3. Whether an emergency opioid antagonist, as defined in s.
141 381.887, was administered.

142 4. Whether the overdose was fatal or nonfatal.

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

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146 1. The gender and approximate age of the person receiving
147 attention or treatment.

148 2. The suspected controlled substance involved in the
149 overdose.

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

154 (4) Failure to report an overdose under this section is not
155 grounds for disciplinary action or penalties pursuant to s.
156 401.411(1)(a).

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

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