

By the Committee on Health Policy; and Senators Perry and Baxley

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1 A bill to be entitled
2 An act relating to nonopioid alternatives; amending s.
3 456.44, F.S.; providing a legislative finding;
4 requiring the Department of Health to develop and
5 publish on its website an educational pamphlet
6 regarding the use of nonopioid alternatives for the
7 treatment of pain; requiring that the pamphlet include
8 specified information, including the advantages and
9 disadvantages of the use of such alternatives;
10 providing requirements for health care practitioners;
11 providing an exception; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Subsection (7) is added to section 456.44,
16 Florida Statutes, to read:

17 456.44 Controlled substance prescribing.—

18 (7) NONOPIOID ALTERNATIVES.—

19 (a) The Legislature finds that every competent adult has
20 the fundamental right of self-determination regarding decisions
21 pertaining to his or her own health, including the right to
22 refuse an opioid drug listed as a Schedule II controlled
23 substance in s. 893.03 or 21 U.S.C. s. 812.

24 (b) The department shall develop and publish on its website
25 an educational pamphlet regarding the use of nonopioid
26 alternatives for the treatment of pain. The pamphlet must, at a
27 minimum, include:

28 1. Information on available nonopioid alternatives for the
29 treatment of pain, including nonopioid medicinal drugs or drug

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30 products and nonpharmacological therapies; and

31 2. The advantages and disadvantages of the use of nonopioid
32 alternatives.

33 (c) Except in the provision of emergency services and care,
34 as defined in s. 395.002, before providing anesthesia or
35 ordering, administering, dispensing, or prescribing an opioid
36 drug listed as a Schedule II controlled substance in s. 893.03
37 or 21 U.S.C. s. 812 for the treatment of pain, a health care
38 practitioner shall:

39 1. Inform the patient of available nonopioid alternatives
40 for the treatment of pain, which may include nonopioid medicinal
41 drugs or drug products, interventional procedures or treatments,
42 acupuncture, chiropractic treatments, massage therapy, physical
43 therapy, occupational therapy, or any other appropriate therapy
44 as determined by the health care practitioner;

45 2. Discuss the advantages and disadvantages of the use of
46 nonopioid alternatives, including whether the patient is at a
47 high risk of, or has a history of, controlled substance abuse or
48 misuse and the patient's personal preferences;

49 3. Provide the patient with the educational pamphlet
50 described in paragraph (b); and

51 4. Document the nonopioid alternatives considered in the
52 patient's record.

53 Section 2. This act shall take effect July 1, 2019.