

1 A bill to be entitled

2 An act relating to emergency opioid antagonists;
 3 amending s. 381.887, F.S.; revising the purpose of
 4 specified provisions relating to the receiving,
 5 possessing, and administering of emergency opioid
 6 antagonists to certain persons by authorized
 7 pharmacies, pharmacists, and pharmacy technicians;
 8 authorizing pharmacies, pharmacists, and pharmacy
 9 technicians to receive, store, possess, and dispense
 10 emergency opioid antagonists under certain
 11 circumstances; providing applicability; creating s.
 12 397.335, F.S.; establishing the Statewide Council on
 13 Opioid Abatement within the Department of Children and
 14 Families; providing for purpose of the council;
 15 providing for membership, organization and support,
 16 and duties of the council; amending s. 768.13, F.S.;
 17 providing immunity from civil liability for a licensed
 18 pharmacy, pharmacist, or pharmacy technician under
 19 certain circumstances; 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. Subsections (2) through (5), paragraph (b) of
 24 subsection (6), and subsection (7) of section 381.887, Florida
 25 Statutes, are amended to read:

26 381.887 Emergency treatment for suspected opioid
 27 overdose.—

28 (2) The purpose of this section is to provide for the
 29 receiving, possessing, administering, prescribing, ordering, and
 30 dispensing of emergency opioid antagonists to patients, ~~and~~
 31 caregivers, and emergency responders and to encourage the
 32 prescribing, ordering, and dispensing of emergency opioid
 33 antagonists by authorized health care practitioners, pharmacies,
 34 pharmacists, and pharmacy technicians, as applicable.

35 (3) (a) An authorized health care practitioner may
 36 prescribe and dispense an emergency opioid antagonist to, and a
 37 pharmacist may order an emergency opioid antagonist with an
 38 autoinjection delivery system or intranasal application delivery
 39 system for, a patient, a ~~or~~ caregiver, or an emergency responder
 40 for use in accordance with this section.

41 (b) A pharmacist may dispense an emergency opioid
 42 antagonist pursuant to a prescription by an authorized health
 43 care practitioner. A pharmacist may dispense an emergency opioid
 44 antagonist with an autoinjection delivery system or intranasal
 45 application delivery system, which must be appropriately labeled
 46 with instructions for use, pursuant to a pharmacist's order or
 47 pursuant to a nonpatient-specific standing order.

48 (c) A patient, a ~~or~~ caregiver, or an emergency responder
 49 is authorized to store and possess approved emergency opioid
 50 antagonists and, in an emergency situation when a physician is

51 not immediately available, administer the emergency opioid
52 antagonist to a person believed in good faith to be experiencing
53 an opioid overdose, regardless of whether that person has a
54 prescription for an emergency opioid antagonist.

55 (d) A pharmacy or pharmacist licensed under chapter 465
56 may receive, store, possess, and dispense, as applicable,
57 emergency opioid antagonists delivered by a manufacturer or an
58 affiliate of the pharmacy pursuant to agreements reached with
59 the Department of Legal Affairs for the purpose of dispensing
60 emergency opioid antagonists pursuant to a standing order issued
61 by or at the direction of the State Surgeon General to any
62 emergency responder identified in the standing order.

63 (e) A pharmacist or pharmacy technician may dispense an
64 emergency opioid antagonist pursuant to a standing order issued
65 by or at the direction of the State Surgeon General in a manner
66 consistent with the terms of the standing order to any emergency
67 responders identified in the standing order.

68 (4) The following persons are authorized to receive,
69 possess, store, and administer emergency opioid antagonists as
70 clinically indicated and are immune from any civil liability or
71 criminal liability as a result of receiving, possessing,
72 storing, or administering an emergency opioid antagonist:

73 (a) Emergency responders, including, but not limited to,
74 law enforcement officers, paramedics, and emergency medical
75 technicians.

76 (b) Crime laboratory personnel for the statewide criminal
77 analysis laboratory system as described in s. 943.32, including,
78 but not limited to, analysts, evidence intake personnel, and
79 their supervisors.

80 (c) Personnel of a law enforcement agency or an other
81 agency, including, but not limited to, correctional probation
82 officers and child protective investigators who, while acting
83 within the scope or course of employment, come into contact with
84 a controlled substance or persons at risk of experiencing an
85 opioid overdose.

86 (5) A person, including, but not limited to, an authorized
87 health care practitioner, a dispensing health care practitioner,
88 ~~or~~ a pharmacist, a pharmacy technician, or a pharmacy who
89 receives, possesses, administers, prescribes, dispenses, or
90 stores an approved emergency opioid antagonist in compliance
91 with this section and s. 768.13 is afforded the civil liability
92 immunity protections provided under s. 768.13.

93 (6)

94 (b) A dispensing health care practitioner, a pharmacy ~~or~~
95 pharmacist, or a pharmacy technician, acting in good faith and
96 exercising reasonable care, is not subject to discipline or
97 other adverse action under any professional licensure statute or
98 rule and is immune from any civil or criminal liability as a
99 result of receiving, possessing, administering, prescribing,
100 dispensing, or storing an emergency opioid antagonist in

101 accordance with this section.

102 (7) This section does not limit any existing immunities
 103 for emergency responders or other persons which are provided
 104 under this chapter or any other applicable provision of law.
 105 This section does not create a duty or standard of care for a
 106 person to receive, possess, administer, prescribe, dispense, or
 107 store ~~administer~~ an emergency opioid antagonist.

108 Section 2. Section 397.335, Florida Statutes, is created
 109 to read:

110 397.335 Statewide Council on Opioid Abatement.-

111 (1) ESTABLISHMENT.-The Statewide Council on Opioid
 112 Abatement, an advisory council as defined in s. 20.03, is
 113 created within the department for the purpose of enhancing the
 114 development and coordination of state and local efforts to abate
 115 the opioid epidemic and to support the victims and families of
 116 the crisis.

117 (2) MEMBERSHIP.-

118 (a) The council shall consist of the following members:

119 1. The Attorney General, or a designee, who shall serve as
 120 chair.

121 2. The secretary of the department, or a designee, who
 122 shall serve as vice chair.

123 3. One member appointed by the Governor.

124 4. One member appointed by the President of the Senate.

125 5. One member appointed by the Speaker of the House of

126 Representatives.

127 6. Two members appointed by the Florida League of Cities
128 who are commissioners or mayors of municipalities. One member
129 shall be from a municipality with a population of fewer than
130 50,000 people.

131 7. Two members appointed by or through the Florida
132 Association of Counties who are county commissioners or mayors.
133 One member shall be appointed from a county with a population of
134 fewer than 200,000 and one member shall be appointed from a
135 county with a population of more than 200,000.

136 8. One member appointed by the Florida Association of
137 Counties, a municipality mayor, or a commissioner appointed by
138 the Florida League of Cities who must alternate every 2 years
139 between being a county commissioner or a mayor.

140 (b) Each member shall serve a 2-year term. Any vacancy
141 shall be filled in the same manner as the original appointment
142 for the remainder of the unexpired term.

143 (c) A member may not receive a commission, fee, or
144 financial benefit in connection with serving on the council.
145 Council members may be reimbursed for per diem and travel
146 expenses in accordance with s. 112.061 by the state agency that
147 the member represents. If the member is not affiliated with a
148 state agency, the member shall be reimbursed by the Department
149 of Children and Families.

150 (3) ORGANIZATION AND SUPPORT.—

151 (a) The first meeting of the council must be held by
152 August 31, 2023.

153 (b) The council shall meet quarterly and upon the call of
154 the chair or two other members. Meetings of the council may take
155 place in person or through electronic transmission using
156 communications media technology as described in s.
157 120.54(5)(b)2.

158 (c) A majority of the members of the council shall
159 constitute a quorum.

160 (d) The department and the Department of Legal Affairs
161 shall provide the council with staff necessary to assist the
162 council in the performance of its duties.

163 (e) The council may apply for and accept funds, grants,
164 gifts, and services from the state, the Federal Government, or
165 any of its agencies, or any other public or private source for
166 the purposes of defraying costs or performing its duties.

167 (f) All members shall adhere to all applicable general
168 law, rules, and regulations, including, but not limited to, s.
169 112.311, concerning the disclosure of conflicts of interest and
170 recusal from discussions or votes on conflicted matters.

171 (4) DUTIES.—

172 (a) The council shall advise the state and local
173 governments on resolving or abating the opioid epidemic and
174 review how settlement monies recovered from the opioid
175 litigation brought by the state and its subdivisions have been

176 spent and the results that have been achieved from those
177 expenditures.

178 (b) The council shall work with, provide, and receive
179 information from the Statewide Drug Policy Advisory Council and
180 ensure that its recommendations and actions are consistent with
181 that council's recommendations to the extent possible.

182 (c) The council shall review data from local, state, and
183 national agencies:

184 1. Both on a regional and a statewide basis to advise the
185 state and local governments on the current status, severity, and
186 stage of the opioid epidemic.

187 2. Regarding how monies are being spent to abate the
188 opioid epidemic, the success of such programs, and the
189 appropriate metrics needed to assess the epidemic and progress
190 abating it.

191 (d) Each county, city, managing entity, or state agency
192 who receives settlement monies from an opioid settlement shall
193 provide information to the council annually:

194 1. By July 30, 2023, and annually thereafter, relating to
195 how the county, city, managing entity, or agency intends to use
196 settlement funds and collect data regarding its use of funds.

197 2. By August 31, 2023, and annually thereafter, relating
198 to the expenditure of settlement moneys by that entity and the
199 results obtained from those expenditures.

200 (e) The council shall develop metrics, measures, or data

201 sets to assess the progress and success of programs funded by
202 expenditures of opioid settlement monies. In recommending
203 metrics, measures, or data sets, the council shall keep its
204 recommended metrics, measures, or data sets consistent with the
205 metrics, measures, or data sets that the state uses with its
206 managing entities as well as any other metrics, measures, or
207 data sets required by the Substance Abuse and Mental Health
208 Services Administration of the United States Department of
209 Health and Human Services in connection with any grants that the
210 state receives. In connection with such metrics, measures, or
211 data sets, the council may request, and each county, city,
212 managing entity, or state agency must provide, data or
213 information requested to conduct such analysis.

214 (f) In the event that a county, city, managing entity, or
215 agency fails to provide requested data or information, the
216 council or the Department of Legal Affairs, acting on behalf of
217 the council, shall have the ability to seek such data through
218 civil investigative demand, subpoena, or by commencing an action
219 seeking the turnover of such data.

220 (g) The council with assistance and support of the
221 department shall provide a system of documentation and reporting
222 in accordance with the requirements of federal agencies and any
223 other agencies providing funding to the state, including
224 auditing expenditures consistent with any requirements imposed
225 by the legislature.

226 (h) By December 1, 2023, and annually thereafter, the
227 council shall provide and publish an annual report. The report
228 shall contain information on how settlement moneys were spent
229 the previous fiscal year by the state, each of the managing
230 entities, and each of the counties and municipalities. The
231 report shall also contain recommendations to the Governor, the
232 Legislature, and local governments for how moneys should be
233 prioritized and spent the coming fiscal year to respond to the
234 opioid epidemic.

235 (k) The report shall be posted on the websites of the
236 department and the Department of Legal Affairs.

237 Section 3. Paragraph (e) is added to subsection (2) of
238 section 768.13, Florida Statutes, to read:

239 768.13 Good Samaritan Act; immunity from civil liability.—

240 (2)

241 (e) Any licensed pharmacy, pharmacist, or pharmacy
242 technician who receives, stores, posses, or dispenses an
243 emergency opioid antagonist for the purpose of dispensing to an
244 emergency responder in compliance with a standing order issued
245 by or at the direction of the State Surgeon General may not be
246 held liable for any damages, penalties, fines, or costs as a
247 result of any act or omission related to receiving, storing,
248 possessing, or dispensing the emergency opioid antagonist.

249 Section 4. This act shall take effect July 1, 2023.