

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 89 Naloxone Awareness Day  
**SPONSOR(S):** Healthcare Regulation Subcommittee, Plakon  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 66

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthcare Regulation Subcommittee	16 Y, 0 N, As CS	Osborne	McElroy
2) Health & Human Services Committee	17 Y, 0 N	Osborne	Calamas

### SUMMARY ANALYSIS

Opioids are psychoactive substances derived from the opium poppy, or their synthetic analogues. Opioids include prescription medications legitimately prescribed to treat pain, as well as illegal drugs with no sanctioned medical use. An overabundance of opioids in the body can lead to a fatal overdose. Opioids are the most lethal group of drugs; worldwide they account for two thirds of all deaths relating to drug use, most of which are the result of overdoses. In 2023 the number of overdose deaths surpassed 112,000 in a 12-month period for the first time.

An opioid antagonist is a drug that rapidly reverses the effects of an opioid overdose. Opioid antagonists can quickly restore normal breathing to a person if their breathing has slowed, or even stopped due to an opioid overdose. Opioid antagonists have no potential for abuse and will not cause harm if mistakenly administered to a person who is not overdosing on an opioid.

On March 29, 2023, the US Food & Drug Administration approved the first opioid antagonist nasal spray available for over-the-counter, nonprescription, use. This allows an accessible, easily administered opioid antagonist to be sold directly to consumers without the need for a prescription.

Victoria's Voice Foundation was established in 2019 by Jackie and David Siegal after losing their 18-year-old daughter, Victoria, to an accidental drug overdose. Victoria's Voice is dedicated to providing drug prevention education and raising awareness of the availability and safe use of opioid antagonists in order to support those affected by substance use.

CS/HB 89 creates "Victoria's Law," and designates June 6th of each year as "Revive Awareness Day." The bill allows the Governor to issue an annual proclamation designating June 6th as "Revive Awareness Day."

The bill encourages the Department of Health (DOH) to hold events with the purpose of raising awareness of the dangers of opioid overdose and the availability and safe use of opioid antagonists.

The bill has an insignificant, negative fiscal impact on DOH and has no fiscal impact on local governments.

The bill is effective upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Opioids

Opioids are psychoactive substances derived from the opium poppy, or their synthetic analogues.<sup>1</sup> Opioids are highly effective pain relievers, and as such are commonly used to treat acute and chronic pain. An individual experiences pain because of a series of electrical and chemical exchanges across the individual's peripheral nerves, spinal cord, and brain.<sup>2</sup> Opioid receptors occur naturally and are distributed widely throughout the central nervous system and in peripheral sensory and autonomic nerves and modulate the body's perception of pain.<sup>3</sup> Opioids bind to specific opioid receptors, disrupt the transmission of pain signals through the central nervous system and reduce the perception of pain.<sup>4</sup>

Opioids include prescription medications legitimately prescribed to treat pain, as well as illegal drugs with no sanctioned medical use.<sup>5</sup> Opioids can create a euphoric feeling because they affect the regions of the brain involved with pleasure and reward, which can lead people to misuse the substance.<sup>6</sup> Opioids are commonly misused; in 2020 an estimated 61 million people worldwide used opioids for non-medical reasons.<sup>7</sup> Continued use of opioids can lead to the development of tolerance and psychological and physical dependence.<sup>8</sup> This dependence is characterized by a strong desire to take opioids, impaired control over opioid use, persistent opioid use despite harmful consequences, a higher priority given to opioid use than to other activities and obligations, and a physical withdrawal reaction when opioids are discontinued.<sup>9</sup>

##### *Opioid Overdose*

Opioids are the most lethal group of drugs; worldwide they account for two thirds of all deaths relating to drug use, most of which are the result of overdoses.<sup>10</sup> More than 109,000 Americans died from a drug overdose in the 12-month period ending in February, 2023.<sup>11</sup>

Opioid overdoses result from an overabundance of opioids in the body which leads to the suppression of the respiratory system. The opioid receptors that are found in major pain pathways, thus enabling

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<sup>1</sup> World Health Organization, *Opioid Overdose*. Available at <https://www.who.int/news-room/fact-sheets/detail/opioid-overdose> (last visited January 12, 2024).

<sup>2</sup> Medical News Today, *What is pain, and how do you treat it?* (2020). Available at <https://www.medicalnewstoday.com/articles/145750#:~:text=People%20feel%20pain%20when%20specific,immediate%20contraction%20of%20the%20muscles> (last visited January 12, 2024).

<sup>3</sup> Henriksen, G. & Willoch, F., *Imaging of Opioid Receptors in the Central Nervous System* (2008). *Brain* 131 (5): 1171-1196. doi: [10.1093/brain/awm255](https://doi.org/10.1093/brain/awm255)

<sup>4</sup> *Id.*

<sup>5</sup> Opioids legally prescribed to treat pain include morphine, codeine, methadone, oxycodone, hydrocodone, fentanyl, hydromorphone, and buprenorphine. Heroin is an example of an illicit opioid with no sanctioned medical use. See also, U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, *SAMHSA Opioid Overdose Toolkit: Facts for Community Members* (2018). Available at <https://store.samhsa.gov/sites/default/files/d7/priv/sma18-4742.pdf> (last visited January 12, 2024).

<sup>6</sup> National Institute on Drug Abuse, *How Do Opioids Affect the Brain and Body?* (2020). Available at <http://www.drugabuse.gov/publications/research-reports/prescription-drugs/opioids/how-do-opioids-affect-brain-body> (last visited January 12, 2024).

<sup>7</sup> United Nations Office on Drugs and Crime, *World Drug Report 2022, Global Overview: Drug Demand and Drug Supply* (2022). Available at [https://www.unodc.org/res/wdr2022/MS/WDR22\\_Booklet\\_1.pdf](https://www.unodc.org/res/wdr2022/MS/WDR22_Booklet_1.pdf) (last visited January 12, 2024).

<sup>8</sup> *Supra*, note 6.

<sup>9</sup> *Supra*, note 1.

<sup>10</sup> *Supra*, note 7.

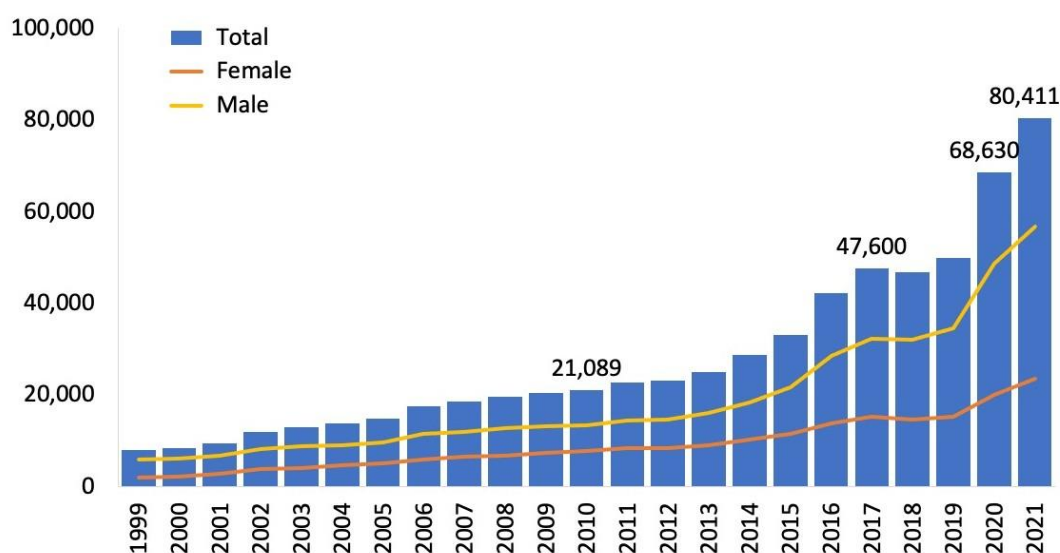
<sup>11</sup> Ahmad, F.B., Cisewski, J.A., Rossen, L.M., & Sutton, P., *Provisional Drug Overdose Death Counts* (2023). Centers for Disease Control and Prevention: National Center for Health Statistics. Available at <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> (last visited January 12, 2024).

opioids to alleviate the sensation of pain, are also found in the respiratory control centers of the brain.<sup>12</sup> Opioids disrupt the transmission of signals for respiration in the identical manner as they disrupt the transmission of pain signals; when there is an excess of opioids present in the body, this can lead to a reduction, and eventual cessation, of a person's breathing. Oxygen starvation will eventually stop vital organs like the heart and brain and can lead to unconsciousness, coma, and possible death.<sup>13</sup> Within 3-5 minutes without oxygen, brain damage starts to occur, soon followed by death.<sup>14</sup>

Once a person stops breathing damage to vital organs is rapid, however, a person's breathing will typically slow gradually over time and breathing may not stop until minutes to hours after the drug or drugs were used.<sup>15</sup> Medical intervention during the period of time between opioid overdose and the cessation of breathing is the key to preventing an overdose death. An opioid overdose can be identified by a combination of three signs and symptoms referred to as the "opioid overdose triad":<sup>16</sup> pinpoint pupils, unconsciousness; and respiratory depression.

Opioid overdose and death have increased significantly over the last three decades. The graph below demonstrates the total number of U.S. overdose deaths involving any opioid<sup>17</sup> from 1999 to 2021.<sup>18</sup>

Opioid Deaths in the United States, 1999-2021



Prior to the COVID-19 pandemic, the increase in opioid overdose deaths formed three distinct waves:

- The first wave began with increased prescribing of opioids in the 1990s, with overdose deaths involving prescription opioids increasing since at least 1999.
- The second wave began in 2010, with rapid increase in overdose deaths involving heroin.
- The third wave began in 2013, with significant increases in overdose deaths involving synthetic opioids, particularly those involving illicitly manufactured fentanyl. The market for illicitly

<sup>12</sup> Pattinson, K.T.S., *Opioids and the Control of Respiration* (2008). BJA, Vol. 100, Issue 6, Pages 747-758. Available at <https://doi.org/10.1093/bja/aen094>. (last visited January 12, 2024).

<sup>13</sup> Harm Reduction Coalition, *Guide to Developing and Managing Overdose Prevention and Take-Home Naloxone Projects*, (Aug. 31, 2020). Available at <http://harmreduction.org/our-work/overdose-prevention/> (last visited January 12, 2024).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Supra*, note 1.

<sup>17</sup> Any opioid includes prescription opioids (natural and semi-synthetic opioids and methadone), heroin and synthetic opioids other than methadone (primarily fentanyl).

<sup>18</sup> National Institute on Drug Abuse, *Overdose Death Rates*. Available at <https://www.drugabuse.gov/drug-topics/trends-statistics/overdose-death-rates> (last January 12, 2024).

manufactured fentanyl continues to change, and the drug can be found in combination with heroin, counterfeit pills, and cocaine.<sup>19</sup>

In 2021, 6,442 opioid overdose deaths were reported in Florida, a 22% increase from 2019.<sup>20</sup> Additionally, 50,803 all-drug, non-fatal overdoses resulted in an emergency department visit in 2021.<sup>21</sup> Fentanyl, an extremely potent opioid drug, is the leading cause of overdose deaths in Florida, and the incidence of fentanyl overdose deaths increased by 38 percent from 2,348 in 2019 to 3,244 in 2020.<sup>22</sup>

### *Opioid Antagonists*

An opioid antagonist is a drug that rapidly reverses the effects of an opioid overdose. Opioid antagonists counteract the central nervous system depression which is the primary cause of opioid overdose deaths by attaching to opioid receptors and blocking the effects of other opioids. Opioid antagonists can quickly restore normal breathing to a person if their breathing has slowed, or even stopped due to an opioid overdose.<sup>23</sup> This effect lasts only for a short period of time, with the narcotic effect of the opioids returning if still present in large quantities in the body. In this scenario, additional doses of an opioid antagonist would be required, which is why it is generally recommended that anyone who has experienced an overdose seek medical attention.<sup>24</sup>

Opioid antagonists can be safely given to people of all ages and will not cause harm if mistakenly administered to a person who is not overdosing on an opioid.<sup>25</sup>

On March 29, 2023, the US Food & Drug Administration approved the first opioid antagonist nasal spray available for over-the-counter, nonprescription, use.<sup>26</sup> This allows an accessible, easily administered opioid antagonist to be sold directly to consumers without the need for a prescription.

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### **Effect of the Bill**

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<sup>19</sup> Centers for Disease Control and Prevention, *Understanding the Opioid Overdose Epidemic*. Available at <https://www.cdc.gov/opioids/basics/epidemic.html> (last visited January 12, 2024).

<sup>20</sup> Florida Department of Health, *FL Health Charts: Substance Use Dashboard*. Available at <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=SubstanceUse.Overdose> (last visited January 12, 2024).

<sup>21</sup> *Id.*

<sup>22</sup> Project Opioid, *A Pandemic Fueling an Epidemic in Florida in 2020*. Available at [https://projectopioid.org/wp-content/uploads/2020/12/PO-2020-Data-Study-Final\\_New-Section.pdf](https://projectopioid.org/wp-content/uploads/2020/12/PO-2020-Data-Study-Final_New-Section.pdf) (last visited January 12, 2024).

<sup>23</sup> National Institute on Drug Abuse, *What is Naloxone?* (2022). Available at <https://nida.nih.gov/publications/drugfacts/naloxone> (last visited January 12, 2024). See also, Harm Reduction Coalition, *Understanding Naloxone*, (2020). Available at <http://harmreduction.org/issues/overdose-prevention/overview/overdose-basics/understanding-naloxone/> (last visited May January 12, 2024).

<sup>24</sup> *Id.*

<sup>25</sup> Centers for Disease Control and Prevention, *5 Things to Know About Naloxone* (2022). Available at <https://www.cdc.gov/drugoverdose/featured-topics/naloxone.htm#:~:text=Naloxone%20is%20safe.,Small%2C%20constricted%20%E2%80%9Cpinpoint%20pupils%E2%80%9D> (last visited January 12, 2024).

<sup>26</sup> US Food & Drug Administration, *FDA Approves First Over-the-Counter Naloxone Nasal Spray* (2023). Available at <https://www.fda.gov/news-events/press-announcements/fda-approves-first-over-counter-naloxone-nasal-spray> (last visited January 12, 2024).

<sup>27</sup> Victoria's Voice Foundation, *Victoria's Voice Foundation Launches First Ever National Naloxone Awareness Day on June 6 with Support from a Bipartisan Congressional Resolution* (2023). Available at <https://www.prnewswire.com/news-releases/victorias-voice-foundation-launches-first-ever-national-naloxone-awareness-day-on-june-6-with-support-from-a-bipartisan-congressional-resolution-301843527.html> (last visited January 12, 2024).

CS/HB 89 creates “Victoria’s Law,” and designates June 6<sup>th</sup> of each year as “Revive Awareness Day.” The bill allows the Governor to issue an annual proclamation designating June 6<sup>th</sup> as “Revive Awareness Day.”

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The bill is effective upon becoming law.

**B. SECTION DIRECTORY:**

- Section 1:** Provides a name for the act: “Victoria’s Law.”
- Section 2:** Creates s. 683.3342, F.S., relating to Revive Awareness Day.
- Section 3:** Provides the bill is effective upon becoming law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

The bill may have an insignificant, negative fiscal impact on the Department of Health which is able to be absorbed by current agency resources.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not require rule-making for implementation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**