

By the Committees on Appropriations; and Health Policy; and
Senator Evers

576-04223-15

2015758c2

1 A bill to be entitled
2 An act relating to emergency treatment for opioid
3 overdose; providing a short title; creating s.
4 381.887, F.S.; providing definitions; providing a
5 purpose; authorizing certain health care practitioners
6 to prescribe an emergency opioid antagonist to a
7 patient or caregiver under certain conditions;
8 authorizing pharmacists to dispense an emergency
9 opioid antagonist under certain circumstances;
10 authorizing storage, possession, and administration of
11 an emergency opioid antagonist by such patient or
12 caregiver and certain emergency responders; providing
13 immunity from liability; providing immunity from
14 professional sanction or disciplinary action for
15 certain health care practitioners and pharmacists,
16 under certain circumstances; providing applicability;
17 providing an effective date.

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

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21 Section 1. This act may be cited as the "Emergency
22 Treatment and Recovery Act."

23 Section 2. Section 381.887, Florida Statutes, is created to
24 read:

25 381.887 Emergency treatment for suspected opioid overdose.—

26 (1) As used in this section, the term:

27 (a) "Administer" or "administration" means to introduce an
28 emergency opioid antagonist into the body of a person.

29 (b) "Authorized health care practitioner" means a licensed

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30 practitioner authorized by the laws of the state to prescribe
31 drugs.

32 (c) "Caregiver" means a family member, friend, or person in
33 a position to have recurring contact with a person at risk of
34 experiencing an opioid overdose.

35 (d) "Emergency opioid antagonist" means naloxone
36 hydrochloride or any similarly acting drug that blocks the
37 effects of opioids administered from outside the body and that
38 is approved by the United States Food and Drug Administration
39 for the treatment of an opioid overdose.

40 (e) "Patient" means a person at risk of experiencing an
41 opioid overdose.

42 (2) The purpose of this section is to provide for the
43 prescription of an emergency opioid antagonist to patients and
44 caregivers and to encourage the prescription of emergency opioid
45 antagonists by authorized health care practitioners.

46 (3) An authorized health care practitioner may prescribe an
47 emergency opioid antagonist to a patient or caregiver for use in
48 accordance with this section, and pharmacists may dispense an
49 emergency opioid antagonist pursuant to a prescription issued in
50 the name of the patient or caregiver, appropriately labeled with
51 instructions for use. Such patient or caregiver is authorized to
52 store and possess approved emergency opioid antagonists and, in
53 an emergency situation when a physician is not immediately
54 available, administer the emergency opioid antagonist to a
55 person believed in good faith to be experiencing an opioid
56 overdose, regardless of whether that person has a prescription
57 for an emergency opioid antagonist.

58 (4) Emergency responders, including, but not limited to,

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59 law enforcement officers, paramedics, and emergency medical
60 technicians, are authorized to possess, store, and administer
61 emergency opioid antagonists as clinically indicated.

62 (5) A person, including, but not limited to, an authorized
63 health care practitioner, a dispensing health care practitioner,
64 or a pharmacist, who possesses, administers, prescribes,
65 dispenses, or stores an approved emergency opioid antagonist in
66 compliance with this section and s. 768.13 is afforded the civil
67 liability immunity protections provided under s. 768.13.

68 (6) (a) An authorized health care practitioner, acting in
69 good faith, is not subject to discipline or other adverse action
70 under any professional licensure statute or rule and is immune
71 from any civil or criminal liability as a result of prescribing
72 an opioid antagonist in accordance with this section.

73 (b) A dispensing health care practitioner or pharmacist,
74 acting in good faith, is not subject to discipline or other
75 adverse action under any professional licensure statute or rule
76 and is immune from any civil or criminal liability as a result
77 of dispensing an opioid antagonist in accordance with this
78 section.

79 (7) This section does not limit any existing immunities for
80 emergency responders or others provided under this chapter or
81 any other applicable provision of law.

82 Section 3. This act shall take effect upon becoming a law.