

1                   A bill to be entitled  
 2           An act relating to emergency services for an  
 3           unintentional drug overdose; amending s. 395.1041,  
 4           F.S.; requiring a hospital providing emergency  
 5           services to a person suffering from an unintentional  
 6           drug overdose to provide certain services and  
 7           information; providing conditions for transfer of a  
 8           patient to a licensed detoxification or addictions  
 9           receiving facility; providing responsibilities of the  
 10          attending physician; providing conditions under which  
 11          a person who suffers an unintentional drug overdose  
 12          and seeks emergency medical services may not be  
 13          charged, prosecuted, or penalized for specified  
 14          offenses; providing an effective date.

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

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 18           Section 1. Subsection (6) of section 395.1041, Florida  
 19 Statutes, is amended to read:

20           395.1041 Access to emergency services and care.—

21           (6) RIGHTS OF PERSONS BEING TREATED.—

22           (a) A hospital providing emergency services and care to a  
 23 person who is being involuntarily examined under the provisions  
 24 of s. 394.463 shall adhere to the rights of patients specified  
 25 in part I of chapter 394 and the involuntary examination

26 | procedures provided in s. 394.463, regardless of whether the  
27 | hospital, or any part thereof, is designated as a receiving or  
28 | treatment facility under part I of chapter 394 and regardless of  
29 | whether the person is admitted to the hospital.

30 | (b) A hospital providing emergency services and care to a  
31 | person who has experienced an unintentional drug overdose shall  
32 | assign a health care professional trained in Screening, Brief  
33 | Intervention, and Referral to Treatment (SBIRT) as defined by  
34 | the Substance Abuse and Mental Health Services Administration to  
35 | assess the person and determine the need for further services.  
36 | If a health care professional trained in SBIRT is unavailable,  
37 | the attending physician shall refer the patient to a qualified  
38 | professional as defined in s. 394.455 for assessment. A patient  
39 | may not be transferred to a licensed detoxification or  
40 | addictions receiving facility until the patient is stabilized.  
41 | Before the patient is discharged or transferred, the attending  
42 | physician shall attempt to:

43 | 1. Identify and contact the patient's primary care  
44 | physician and all practitioners who prescribed a controlled  
45 | substance to the patient within the past 12 months and inform  
46 | the physician and prescribers that the patient has suffered an  
47 | unintentional overdose and may require treatment for a substance  
48 | use disorder.

49 | 2. If the patient is currently receiving treatment for a  
50 | substance use disorder, identify and contact the substance abuse

51 treatment provider's medical director or the patient's addiction  
52 medicine specialist and the patient's primary care physician and  
53 inform them that the patient has suffered an unintentional  
54 overdose and the patient's treatment plan may need to be  
55 reevaluated.

56 3. Provide the patient's adult next of kin or emergency  
57 contact with the following information:

58 a. The name and address of the hospital where the patient  
59 is receiving emergency services and care.

60 b. That the patient has suffered an unintentional  
61 overdose.

62 c. The nature and properties of the substance or  
63 substances that the attending physician believes the patient  
64 ingested that may have contributed to the overdose.

65 d. A list of substance abuse treatment and addiction-  
66 recovery service providers, including licensed facilities  
67 pursuant to s. 397.6774, voluntary admissions procedures under  
68 part IV of chapter 397, involuntary admissions procedures under  
69 part V of chapter 397, and involuntary commitment procedures  
70 under chapter 394.

71 4. Encourage the patient to voluntarily seek treatment for  
72 a substance use disorder.

73 5. Establish face-to-face contact between the patient and  
74 a substance abuse treatment provider.

75 (c) A person who has been diagnosed as having suffered an

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76 | unintentional drug overdose and is in need of emergency services  
77 | and care may not be charged, prosecuted, or penalized under  
78 | chapter 893 for possession of a controlled substance if the  
79 | evidence for such possession was obtained as a result of the  
80 | overdose and need for emergency services and care.

81 | Section 2. This act shall take effect July 1, 2017.