

## CHAPTER 2019-123

### Committee Substitute for Committee Substitute for House Bill No. 451

An act relating to nonopioid alternatives; amending s. 456.44, F.S.; providing legislative intent; requiring the Department of Health to develop and publish on its website an educational pamphlet regarding the use of nonopioid alternatives for the treatment of pain; requiring the pamphlet to include specified information, including the advantages and disadvantages of the use of such alternatives; providing requirements for health care practitioners; providing an effective date.

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

Section 1. Subsection (7) is added to section 456.44, Florida Statutes, to read:

456.44 Controlled substance prescribing.—

(7) NONOPIOID ALTERNATIVES.—

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

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

1. Information on available nonopioid alternatives for the treatment of pain, including nonopioid medicinal drugs or drug products and nonpharmacological therapies.

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

(c) Except in the provision of emergency services and care, as defined in s. 395.002, before providing anesthesia or prescribing, ordering, dispensing, or administering an opioid drug listed as a Schedule II controlled substance in s. 893.03 or 21 U.S.C. s. 812 for the treatment of pain, a health care practitioner, excluding those licensed under chapter 465, must:

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

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

3. Provide the patient with the educational pamphlet described in paragraph (b).

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

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

Approved by the Governor June 24, 2019.

Filed in Office Secretary of State June 24, 2019.