SENATE AMENDMENT

Bill No. HB 2125, 2nd Eng.

Amendment No. ___

CHAMBER ACTION

Senate	House
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Senator Silver moved the following amendment:

Senate Amendment (with title amendment)

On page 68, between lines 27 and 28,

insert:

Section 57. Subsection (6) of section 465.025, Florida Statutes, is amended to read:

465.025 Substitution of drugs.--

(6) The Board of Pharmacy and the Board of Medicine shall establish by rule a formulary of generic drug type and brand name drug products which have not been rated as therapeutically equivalent in "Approved Drug Products with Therapeutic Equivalence Evaluations" (Orange Book) published by the Federal Food and Drug Administration, and were not eligible for generic substitution for brand name drug products in at least 40 other states on January 1, 1999 ~~are determined by the boards to demonstrate clinically significant biological or therapeutic inequivalence~~ and which, if substituted, would pose a threat to the health and safety of patients receiving prescription medication.

(a) The formulary may be added to or deleted from as the Board of Pharmacy and the Board of Medicine deem appropriate. Any person who requests any inclusion, addition, or deletion of a generic drug type or brand name drug product to the formulary shall have the burden of proof to show cause why such inclusion, addition, or deletion should be made.

(b) Upon adoption of the formulary required by this subsection, and upon each addition, deletion, or modification to the formulary, the Board of Pharmacy shall mail a copy to each manager of the prescription department of each community pharmacy licensed by the state, each nonresident pharmacy registered in the state, and each board regulating practitioners licensed by the laws of the state to prescribe drugs shall incorporate such formulary into its rules. No pharmacist shall substitute a generically equivalent drug product for a prescribed brand name drug product if the brand name drug product or the generic drug type drug product is included in the said formulary, unless the generically equivalent drug product has been rated as therapeutically equivalent in the Orange Book.

(Redesignate subsequent sections.)

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

On page 5, line 10, after the semicolon,

and insert:

amending s. 465.025, F.S.; revising requirements for the Board of Pharmacy and the

Board of Medicine in adopting a formulary of generic drugs and brand name drugs;