

1                                   A bill to be entitled  
2           An act relating to pharmacy; requiring the  
3           Board of Osteopathic Medicine, the Board of  
4           Medicine, and the Board of Pharmacy to provide  
5           recommendations and submit a report to the  
6           Legislature concerning the formulary for  
7           generic and brand-name drugs; requiring the  
8           dispensation of certain drugs that are on the  
9           formulary, in specified circumstances;  
10          requiring the removal of specified drugs from  
11          the formulary for generic and brand-name drugs;  
12          providing that the act does not amend existing  
13          law relating to physician's authority to  
14          prohibit generic substitution by writing  
15          "medically necessary" on the prescription;  
16          providing an effective date.

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

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20           Section 1. The Board of Osteopathic Medicine, the  
21 Board of Medicine, and the Board of Pharmacy must jointly  
22 submit a report to the Legislature by January 1, 2001, which  
23 recommends whether the formulary for generic and brand-name  
24 drugs required by section 465.025(6), Florida Statutes, should  
25 be retained. If the report recommends retention of the  
26 formulary established under section 465.025(6), Florida  
27 Statutes, the report must specify how further restrictions on  
28 generic drug substitution will be based solely on scientific  
29 evidence of drug equivalency and what standards and evidence  
30 will be used in making such determinations and must estimate  
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1 the costs of making drug equivalency determinations in  
2 Florida.

3       Section 2. Effective July 1, 2000, the Board of  
4 Pharmacy and the Board of Medicine shall remove from the  
5 formulary established by section 465.025(6), Florida Statutes,  
6 all drugs that have been determined therapeutically equivalent  
7 or "A-B"-rated in "Approved Drug Products with Therapeutic  
8 Equivalence Evaluations" (Orange Book) published by the  
9 Federal Food and Drug Administration.

10       Section 3. Notwithstanding any provision of section  
11 465.025, Florida Statutes, for the initial prescription or any  
12 refill thereunder of a therapeutically equivalent or  
13 "A-B"-rated drug that is currently on the negative formulary  
14 created under that statute, a pharmacist must dispense the  
15 drug unless prior approval to substitute is obtained from the  
16 prescriber of the medication. Any refill thereunder of the  
17 initial prescription for such a drug must be refilled using  
18 only the same drug product by the same manufacturer which the  
19 pharmacist last dispensed under the prescription.

20       Section 4. Nothing in this act shall alter or amend  
21 section 465.025, Florida Statutes, as to the existing law  
22 providing for the authority of physicians to prohibit generic  
23 substitution by writing "medically necessary" on the  
24 prescription.

25       Section 5. This act shall take effect upon becoming a  
26 law.

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