

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 on the negative formulary created
14 under that statute as of January 1, 2000, a pharmacist must
15 dispense the drug on the prescription unless prior approval to
16 substitute is obtained from the prescriber of the medication.
17 Any refill thereunder of the initial prescription for such a
18 drug must be refilled using only the same drug product by the
19 same manufacturer which the pharmacist last dispensed under
20 the prescription.

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

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

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