

Bill No. SB 342

Amendment No. \_\_\_\_ Barcode 771524

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Horne moved the following substitute for amendment  
 12 (580080):

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 14 **Senate Amendment (with title amendment)**

15 On page 1, lines 21-27, delete those lines

16  
 17 insert:

18 Section 2. Subsection (2) of section 465.025, Florida  
 19 Statutes, is amended to read:

20 465.025 Substitution of drugs.--

21 (2) A pharmacist who receives a prescription for a  
 22 brand name drug shall, unless requested otherwise by the  
 23 purchaser, substitute a less expensive, generically equivalent  
 24 drug product that is:

25 (a) Distributed by a business entity doing business,  
 26 and subject to suit and service of legal process, in the  
 27 United States; and

28 (b) Listed in the formulary of generic and brand name  
 29 drug products as provided in subsection (5) for the brand name  
 30 drug prescribed,

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1 unless the prescriber signs the "Medically Necessary Dispense  
2 As Written" line on the prescription form as provided in s.  
3 465.0251, writes the words "MEDICALLY NECESSARY," in her or  
4 his own handwriting, on the face of a written prescription or  
5 unless, in the case of an oral prescription, the prescriber  
6 expressly indicates to the pharmacist whether or not a  
7 generically equivalent drug may be substituted in its place.  
8 The pharmacist shall note the instructions on the file copy of  
9 the prescription. The pharmacist shall note the manufacturer  
10 of the drug dispensed on the file copy of a written or oral  
11 prescription that the brand name drug prescribed is medically  
12 necessary.

13 Section 3. Section 465.0251, Florida Statutes, is  
14 created to read:

15 465.0251 Prescription instructions for generically  
16 equivalent drugs.--Every drug prescription shall contain an  
17 instruction on whether or not a generically equivalent drug  
18 may be substituted in its place, unless substitution is  
19 permitted under a prior-consent authorization.

20 (1) If a written prescription is involved, the form  
21 must have two signature lines at opposite ends on the bottom  
22 of the form. Under the line at the right side must be clearly  
23 printed the words "MEDICALLY NECESSARY DISPENSE AS WRITTEN."  
24 Under the line at the left side must be clearly printed the  
25 words "SUBSTITUTION PERMITTED." The practitioner shall  
26 communicate the instructions to the pharmacist by signing the  
27 appropriate line. A prescription is not valid without the  
28 signature of the practitioner on one of these lines. In the  
29 case of a prescription issued by a practitioner in another  
30 state that uses a one-line prescription form or variation  
31 thereof, the pharmacist may substitute a generically

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1 equivalent drug unless otherwise instructed by the  
2 practitioner through the use of the words "dispense as  
3 written," words of similar meaning, or some other indication.

4 (2) If an oral prescription is involved, the  
5 practitioner or the practitioner's agent shall instruct the  
6 pharmacist as to whether or not a generically equivalent drug  
7 may be substituted in its place. The pharmacist shall note the  
8 instructions on the file copy of the prescription.

9 (3) The pharmacist shall note the manufacturer of the  
10 drug dispensed on the file copy of a written or oral  
11 prescription.

12 Section 4. This act shall take effect February 1,  
13 2002.

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

17 And the title is amended as follows:

18 On page 1, lines 5-10, delete those lines

19  
20 and insert:

21 established in s. 465.025(6), F.S.; amending s.  
22 465.025, F.S.; revising provisions relating to  
23 substitution of drugs; creating s. 465.0251;  
24 providing criteria for written and oral drug  
25 prescriptions; providing an effective date.

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