

Bill No. HB 69, 1st Eng.

Amendment No. Barcode 032204

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Horne moved the following substitute for amendment
 12 (775280):

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

15 On page 1, lines 23-29, 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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Amendment No. Barcode 032204

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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Amendment No. Barcode 032204

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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