

Bill No. HB 69, 1st Eng.

Amendment No.      Barcode 273094

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Horne moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 1, lines 23-27, delete those lines		
15			
16	insert:		
17	Section 2. Subsection (2) of section 465.025, Florida		
18	Statutes, is amended to read:		
19	465.025 Substitution of drugs.--		
20	(2) A pharmacist who receives a prescription for a		
21	brand name drug shall, unless requested otherwise by the		
22	purchaser, substitute a less expensive, generically equivalent		
23	drug product that is:		
24	(a) Distributed by a business entity doing business,		
25	and subject to suit and service of legal process, in the		
26	United States; and		
27	(b) Listed in the formulary of generic and brand name		
28	drug products as provided in subsection (5) for the brand name		
29	drug prescribed,		
30			
31	unless the prescriber <u>signs the "Medically Necessary" line on</u>		

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

11 Section 3. Section 465.0251, Florida Statutes, is  
12 created to read:

13 465.0251 Prescription instructions for generically  
14 equivalent drugs.--Every drug prescription shall contain an  
15 instruction on whether or not a generically equivalent drug  
16 may be substituted in its place, unless substitution is  
17 permitted under a prior-consent authorization.

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

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1 some other indication.

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

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

10 Section 4. This act shall take effect February 1,  
11 2002.

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

15 And the title is amended as follows:

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

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18 and insert:

19 established in s. 465.025(6), F.S.; amending s.  
20 465.025, F.S.; revising provisions relating to  
21 substitution of drugs; creating s. 465.0251;  
22 providing criteria for written and oral drug  
23 prescriptions; providing an effective date.

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