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A bill to be entitled
 An act relating to pharmacy; creating s. 465.0158, F.S.;
 requiring an on-line pharmacy to have a written
 prescription from a physician licensed by this state
 before selling or dispensing a controlled substance to a
 person residing in this state; providing for facsimile
 transmission and verification of such prescription;
 amending s. 499.01, F.S.; requiring on-line pharmacies to
 obtain a permit to operate under pt. I of ch. 499, F.S.,
 the Florida Drug and Cosmetic Act; amending s. 499.081,
 F.S.; providing that on-line pharmacies are not carriers
 exempt from pt. I of ch. 499, F.S.; providing an effective
 date.

WHEREAS, medicinal drugs, including controlled substances,
 are being provided to the public through on-line pharmacies
 without consultation of or prescription by a physician the
 patient has seen in person, and

WHEREAS, drugs provided on-line without consultation with
 or prescription by a physician in person may be inappropriate
 for the patient and potentially deadly, and

WHEREAS, drugs provided through on-line pharmacies may
 endanger those persons who are addicted or disposed to addiction
 to drugs by giving them easy access to those drugs to further
 their addiction, and

WHEREAS, drugs provided through on-line pharmacies may be
 obtained in quantities large enough to be used for illicit sale
 in circumvention of drug abuse laws, and

WHEREAS, as a result, the state has a compelling interest
 in placing reasonable limitations on on-line pharmacies to



HB 1517

2003

31 protect the health, safety, and welfare of the public, NOW,
 32 THEREFORE,

33
 34 Be It Enacted by the Legislature of the State of Florida:

35
 36 Section 1. Section 465.0158, Florida Statutes, is created
 37 to read:

38 465.0158 On-line pharmacies; dispensing of controlled
 39 substances.--An on-line pharmacy may not sell or dispense a
 40 controlled substance, as defined in s. 893.02, to a person
 41 residing in this state without having a written prescription for
 42 that substance provided by a physician licensed under chapter
 43 458 or an osteopathic physician licensed under chapter 459. The
 44 prescription may be provided by facsimile transmission, if
 45 confirmed at the time by audio communication of the prescribing
 46 physician via telephonic, electronic, or similar means.

47 Section 2. Paragraph (d) of subsection (1) of section
 48 499.01, Florida Statutes, is amended to read:

49 499.01 Permits; applications; renewal; general
 50 requirements.--

51 (1) Any person that is required under ss. 499.001-499.081
 52 to have a permit must apply to the department on forms furnished
 53 by the department.

54 (d) A permit is required for each establishment that
 55 operates as a:

- 56 1. Prescription drug manufacturer;
- 57 2. Over-the-counter drug manufacturer;
- 58 3. Compressed medical gas manufacturer;
- 59 4. Device manufacturer;
- 60 5. Cosmetic manufacturer;



HB 1517

2003

- 61 6. Prescription drug wholesaler;
- 62 7. Compressed medical gas wholesaler;
- 63 8. Out-of-state prescription drug wholesaler;
- 64 9. Retail pharmacy drug wholesaler;
- 65 10. Veterinary legend drug retail establishment;
- 66 11. Medical oxygen retail establishment;
- 67 12. Complimentary drug distributor; ~~or~~
- 68 13. Restricted prescription drug distributor; or
- 69 14. On-line pharmacy.

70 Section 3. Section 499.081, Florida Statutes, is amended
 71 to read:

72 499.081 Carriers in interstate commerce exempted from ss.
 73 499.001-499.081.--Carriers engaged in interstate commerce are
 74 not subject to ss. 499.001-499.081 if they are engaged in the
 75 usual course of business as carriers. An on-line pharmacy may
 76 not be considered a carrier for purposes of this section.

77 Section 4. This act shall take effect upon becoming a law.