



CHAMBER ACTION

The Committee on Health Care recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to pharmacy; amending s. 465.016, F.S.; providing for disciplinary action for dispensing a medicinal drug when the pharmacist knows or has reason to believe a prescription is not valid; amending s. 465.003, F.S.; providing a definition for "Internet pharmacy" and requiring such pharmacies to be licensed under ch. 465, F.S.; creating s. 465.0161, F.S.; prohibiting the distribution of medicinal drugs by an Internet pharmacy without a license; providing penalties; amending s. 895.02, F.S.; including violation of s. 465.0161, F.S., in the definition of "racketeering activity" for prosecution under ch. 895, F.S.; providing an effective date.

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

Section 1. Paragraph (s) is added to subsection (1) of section 465.016, Florida Statutes, to read:

465.016 Disciplinary actions.--



HB 1517

2003  
CS

29 (1) The following acts constitute grounds for denial of a  
 30 license or disciplinary action, as specified in s. 456.072(2):  
 31 (s) Dispensing any medicinal drug based upon a  
 32 communication that purports to be a prescription as defined by  
 33 s. 465.003(14) or s. 893.02(20) when the pharmacist knows or has  
 34 reason to believe that the purported prescription is not based  
 35 upon a valid practitioner-patient relationship, including  
 36 appropriate patient history and a face-to-face or visual  
 37 encounter by the practitioner.

38 Section 2. Paragraph (a) of subsection (11) of section  
 39 465.003, Florida Statutes, is amended to read:

40 465.003 Definitions.--As used in this chapter, the term:

41 (11)(a) "Pharmacy" includes a community pharmacy, an  
 42 institutional pharmacy, a nuclear pharmacy, ~~and~~ a special  
 43 pharmacy, and an Internet pharmacy.

44 1. The term "community pharmacy" includes every location  
 45 where medicinal drugs are compounded, dispensed, stored, or sold  
 46 or where prescriptions are filled or dispensed on an outpatient  
 47 basis.

48 2. The term "institutional pharmacy" includes every  
 49 location in a hospital, clinic, nursing home, dispensary,  
 50 sanitarium, extended care facility, or other facility,  
 51 hereinafter referred to as "health care institutions," where  
 52 medicinal drugs are compounded, dispensed, stored, or sold.

53 3. The term "nuclear pharmacy" includes every location  
 54 where radioactive drugs and chemicals within the classification  
 55 of medicinal drugs are compounded, dispensed, stored, or sold.  
 56 The term "nuclear pharmacy" does not include hospitals licensed



HB 1517

2003  
CS

57 | under chapter 395 or the nuclear medicine facilities of such  
58 | hospitals.

59 | 4. The term "special pharmacy" includes every location  
60 | where medicinal drugs are compounded, dispensed, stored, or sold  
61 | if such locations are not otherwise defined in this subsection.

62 | 5. The term "Internet pharmacy" includes locations that  
63 | are not otherwise defined in this subsection where medicinal  
64 | drugs are compounded, dispensed, or stored and subsequently sold  
65 | primarily or exclusively to consumers over the Internet. An  
66 | Internet pharmacy must be licensed as a pharmacy under this  
67 | chapter to sell medicinal drugs to persons in the state.

68 | Section 3. Section 465.0161, Florida Statutes, is created  
69 | to read:

70 | 465.0161 Distribution of medicinal drugs without a  
71 | license.--An Internet pharmacy that distributes medicinal drugs  
72 | to persons in the state without being licensed as a pharmacy  
73 | under this chapter commits a felony of the second degree,  
74 | punishable as provided in s. 775.082 or s. 775.083.

75 | Section 4. Paragraph (a) of subsection (1) of section  
76 | 895.02, Florida Statutes, is amended to read:

77 | 895.02 Definitions.--As used in ss. 895.01-895.08, the  
78 | term:

79 | (1) "Racketeering activity" means to commit, to attempt to  
80 | commit, to conspire to commit, or to solicit, coerce, or  
81 | intimidate another person to commit:

82 | (a) Any crime which is chargeable by indictment or  
83 | information under the following provisions of the Florida  
84 | Statutes:



- 85 | 1. Section 210.18, relating to evasion of payment of  
86 | cigarette taxes.
- 87 | 2. Section 403.727(3)(b), relating to environmental  
88 | control.
- 89 | 3.4. Section 409.920, relating to Medicaid provider fraud.  
90 | 4.3. Section 414.39, relating to public assistance fraud.
- 91 | 5. Section 440.105 or s. 440.106, relating to workers'  
92 | compensation.
- 93 | 6. Section 465.0161, relating to distribution of medicinal  
94 | drugs without a license as an Internet pharmacy.
- 95 | 7.6. Part IV of chapter 501, relating to telemarketing.
- 96 | 8.7. Chapter 517, relating to sale of securities and  
97 | investor protection.
- 98 | 9.8. Section 550.235, s. 550.3551, or s. 550.3605,  
99 | relating to dogracing and horseracing.
- 100 | 10.9. Chapter 550, relating to jai alai frontons.
- 101 | 11.10. Chapter 552, relating to the manufacture,  
102 | distribution, and use of explosives.
- 103 | 12.11. Chapter 560, relating to money transmitters, if the  
104 | violation is punishable as a felony.
- 105 | 13.12. Chapter 562, relating to beverage law enforcement.
- 106 | 14.13. Section 624.401, relating to transacting insurance  
107 | without a certificate of authority, s. 624.437(4)(c)1., relating  
108 | to operating an unauthorized multiple-employer welfare  
109 | arrangement, or s. 626.902(1)(b), relating to representing or  
110 | aiding an unauthorized insurer.
- 111 | 15.14. Section 655.50, relating to reports of currency  
112 | transactions, when such violation is punishable as a felony.



- 113 |       ~~16.15.~~ Chapter 687, relating to interest and usurious
- 114 | practices.
- 115 |       ~~17.16.~~ Section 721.08, s. 721.09, or s. 721.13, relating
- 116 | to real estate timeshare plans.
- 117 |       ~~18.17.~~ Chapter 782, relating to homicide.
- 118 |       ~~19.18.~~ Chapter 784, relating to assault and battery.
- 119 |       ~~20.19.~~ Chapter 787, relating to kidnapping.
- 120 |       ~~21.20.~~ Chapter 790, relating to weapons and firearms.
- 121 |       ~~22.21.~~ Section 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 122 | relating to prostitution.
- 123 |       ~~23.22.~~ Chapter 806, relating to arson.
- 124 |       ~~24.23.~~ Section 810.02(2)(c), relating to specified
- 125 | burglary of a dwelling or structure.
- 126 |       ~~25.24.~~ Chapter 812, relating to theft, robbery, and
- 127 | related crimes.
- 128 |       ~~26.25.~~ Chapter 815, relating to computer-related crimes.
- 129 |       ~~27.26.~~ Chapter 817, relating to fraudulent practices,
- 130 | false pretenses, fraud generally, and credit card crimes.
- 131 |       ~~28.27.~~ Chapter 825, relating to abuse, neglect, or
- 132 | exploitation of an elderly person or disabled adult.
- 133 |       ~~29.28.~~ Section 827.071, relating to commercial sexual
- 134 | exploitation of children.
- 135 |       ~~30.29.~~ Chapter 831, relating to forgery and
- 136 | counterfeiting.
- 137 |       ~~31.30.~~ Chapter 832, relating to issuance of worthless
- 138 | checks and drafts.
- 139 |       ~~32.31.~~ Section 836.05, relating to extortion.
- 140 |       ~~33.32.~~ Chapter 837, relating to perjury.



HB 1517

2003  
CS

141           ~~34.33.~~ Chapter 838, relating to bribery and misuse of  
 142 public office.  
 143           ~~35.34.~~ Chapter 843, relating to obstruction of justice.  
 144           ~~36.35.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
 145 or s. 847.07, relating to obscene literature and profanity.  
 146           ~~37.36.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or  
 147 s. 849.25, relating to gambling.  
 148           ~~38.37.~~ Chapter 874, relating to criminal street gangs.  
 149           ~~39.38.~~ Chapter 893, relating to drug abuse prevention and  
 150 control.  
 151           ~~40.39.~~ Chapter 896, relating to offenses related to  
 152 financial transactions.  
 153           ~~41.40.~~ Sections 914.22 and 914.23, relating to tampering  
 154 with a witness, victim, or informant, and retaliation against a  
 155 witness, victim, or informant.  
 156           ~~42.41.~~ Sections 918.12 and 918.13, relating to tampering  
 157 with jurors and evidence.  
 158           Section 5. This act shall take effect upon becoming a law.