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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.--

(1) The following acts constitute grounds for denial of a  
 license or disciplinary action, as specified in s. 456.072(2):

(s) Dispensing any medicinal drug based upon a  
 communication that purports to be a prescription as defined by  
 s. 465.003(14) or s. 893.02(20) when the pharmacist knows or has  
 reason to believe that the purported prescription is not based  
 upon a valid practitioner-patient relationship, including  
 appropriate patient history and a face-to-face or visual  
 encounter by the practitioner.



29 Section 2. Paragraph (a) of subsection (11) of section  
 30 465.003, Florida Statutes, is amended to read:

31 465.003 Definitions.--As used in this chapter, the term:

32 (11)(a) "Pharmacy" includes a community pharmacy, an  
 33 institutional pharmacy, a nuclear pharmacy, ~~and~~ a special  
 34 pharmacy, and an Internet pharmacy.

35 1. The term "community pharmacy" includes every location  
 36 where medicinal drugs are compounded, dispensed, stored, or sold  
 37 or where prescriptions are filled or dispensed on an outpatient  
 38 basis.

39 2. The term "institutional pharmacy" includes every  
 40 location in a hospital, clinic, nursing home, dispensary,  
 41 sanitarium, extended care facility, or other facility,  
 42 hereinafter referred to as "health care institutions," where  
 43 medicinal drugs are compounded, dispensed, stored, or sold.

44 3. The term "nuclear pharmacy" includes every location  
 45 where radioactive drugs and chemicals within the classification  
 46 of medicinal drugs are compounded, dispensed, stored, or sold.  
 47 The term "nuclear pharmacy" does not include hospitals licensed  
 48 under chapter 395 or the nuclear medicine facilities of such  
 49 hospitals.

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

53 5. The term "Internet pharmacy" includes locations that  
 54 are not otherwise defined in this subsection where medicinal  
 55 drugs are compounded, dispensed, or stored and subsequently sold  
 56 primarily or exclusively to consumers over the Internet. An



57 Internet pharmacy must be licensed as a pharmacy under this  
58 chapter to sell medicinal drugs to persons in the state.

59 Section 3. Section 465.0161, Florida Statutes, is created  
60 to read:

61 465.0161 Distribution of medicinal drugs without a  
62 license.--An Internet pharmacy that distributes medicinal drugs  
63 to persons in the state without being licensed as a pharmacy  
64 under this chapter commits a felony of the second degree,  
65 punishable as provided in s. 775.082 or s. 775.083.

66 Section 4. Paragraph (a) of subsection (1) of section  
67 895.02, Florida Statutes, is amended to read:

68 895.02 Definitions.--As used in ss. 895.01-895.08, the  
69 term:

70 (1) "Racketeering activity" means to commit, to attempt to  
71 commit, to conspire to commit, or to solicit, coerce, or  
72 intimidate another person to commit:

73 (a) Any crime which is chargeable by indictment or  
74 information under the following provisions of the Florida  
75 Statutes:

76 1. Section 210.18, relating to evasion of payment of  
77 cigarette taxes.

78 2. Section 403.727(3)(b), relating to environmental  
79 control.

80 ~~3.4-~~ Section 409.920, relating to Medicaid provider fraud.

81 ~~4.3-~~ Section 414.39, relating to public assistance fraud.

82 5. Section 440.105 or s. 440.106, relating to workers'  
83 compensation.



84           6. Section 465.0161, relating to distribution of medicinal  
85 drugs without a license as an Internet pharmacy.

86           ~~7.6.~~ Part IV of chapter 501, relating to telemarketing.

87           ~~8.7.~~ Chapter 517, relating to sale of securities and  
88 investor protection.

89           ~~9.8.~~ Section 550.235, s. 550.3551, or s. 550.3605,  
90 relating to dogracing and horseracing.

91           ~~10.9.~~ Chapter 550, relating to jai alai frontons.

92           ~~11.10.~~ Chapter 552, relating to the manufacture,  
93 distribution, and use of explosives.

94           ~~12.11.~~ Chapter 560, relating to money transmitters, if the  
95 violation is punishable as a felony.

96           ~~13.12.~~ Chapter 562, relating to beverage law enforcement.

97           ~~14.13.~~ Section 624.401, relating to transacting insurance  
98 without a certificate of authority, s. 624.437(4)(c)1., relating  
99 to operating an unauthorized multiple-employer welfare  
100 arrangement, or s. 626.902(1)(b), relating to representing or  
101 aiding an unauthorized insurer.

102           ~~15.14.~~ Section 655.50, relating to reports of currency  
103 transactions, when such violation is punishable as a felony.

104           ~~16.15.~~ Chapter 687, relating to interest and usurious  
105 practices.

106           ~~17.16.~~ Section 721.08, s. 721.09, or s. 721.13, relating  
107 to real estate timeshare plans.

108           ~~18.17.~~ Chapter 782, relating to homicide.

109           ~~19.18.~~ Chapter 784, relating to assault and battery.

110           ~~20.19.~~ Chapter 787, relating to kidnapping.

111           ~~21.20.~~ Chapter 790, relating to weapons and firearms.



- 112        ~~22.21.~~ Section 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 113 relating to prostitution.
- 114        ~~23.22.~~ Chapter 806, relating to arson.
- 115        ~~24.23.~~ Section 810.02(2)(c), relating to specified
- 116 burglary of a dwelling or structure.
- 117        ~~25.24.~~ Chapter 812, relating to theft, robbery, and
- 118 related crimes.
- 119        ~~26.25.~~ Chapter 815, relating to computer-related crimes.
- 120        ~~27.26.~~ Chapter 817, relating to fraudulent practices,
- 121 false pretenses, fraud generally, and credit card crimes.
- 122        ~~28.27.~~ Chapter 825, relating to abuse, neglect, or
- 123 exploitation of an elderly person or disabled adult.
- 124        ~~29.28.~~ Section 827.071, relating to commercial sexual
- 125 exploitation of children.
- 126        ~~30.29.~~ Chapter 831, relating to forgery and
- 127 counterfeiting.
- 128        ~~31.30.~~ Chapter 832, relating to issuance of worthless
- 129 checks and drafts.
- 130        ~~32.31.~~ Section 836.05, relating to extortion.
- 131        ~~33.32.~~ Chapter 837, relating to perjury.
- 132        ~~34.33.~~ Chapter 838, relating to bribery and misuse of
- 133 public office.
- 134        ~~35.34.~~ Chapter 843, relating to obstruction of justice.
- 135        ~~36.35.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
- 136 or s. 847.07, relating to obscene literature and profanity.
- 137        ~~37.36.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
- 138 s. 849.25, relating to gambling.
- 139        ~~38.37.~~ Chapter 874, relating to criminal street gangs.



140           ~~39.38.~~ Chapter 893, relating to drug abuse prevention and  
141 control.

142           ~~40.39.~~ Chapter 896, relating to offenses related to  
143 financial transactions.

144           ~~41.40.~~ Sections 914.22 and 914.23, relating to tampering  
145 with a witness, victim, or informant, and retaliation against a  
146 witness, victim, or informant.

147           ~~42.41.~~ Sections 918.12 and 918.13, relating to tampering  
148 with jurors and evidence.

149           Section 5. This act shall take effect upon becoming a law.