

By Senator Crist

12-1709-03

See HB 1517

1 A bill to be entitled
2 An act relating to pharmacy; creating s.
3 465.0158, F.S.; requiring an on-line pharmacy
4 to have a written prescription from a physician
5 licensed by this state before selling or
6 dispensing a controlled substance to a person
7 residing in this state; providing for facsimile
8 transmission and verification of such
9 prescription; amending s. 499.01, F.S.;
10 requiring on-line pharmacies to obtain a permit
11 to operate under pt. I of ch. 499, F.S., the
12 Florida Drug and Cosmetic Act; amending s.
13 499.081, F.S.; providing that on-line
14 pharmacies are not carriers exempt from pt. I
15 of ch. 499, F.S.; providing an effective date.

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

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

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

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

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1 WHEREAS, as a result, the state has a compelling
2 interest in placing reasonable limitations on on-line
3 pharmacies to protect the health, safety, and welfare of the
4 public, NOW, THEREFORE,

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

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8 Section 1. Section 465.0158, Florida Statutes, is
9 created to read:

10 465.0158 On-line pharmacies; dispensing of controlled
11 substances.--An on-line pharmacy may not sell or dispense a
12 controlled substance, as defined in s. 893.02, to a person
13 residing in this state without having a written prescription
14 for that substance provided by a physician licensed under
15 chapter 458 or an osteopathic physician licensed under chapter
16 459. The prescription may be provided by facsimile
17 transmission, if confirmed at the time by audio communication
18 of the prescribing physician via telephonic, electronic, or
19 similar means.

20 Section 2. Paragraph (d) of subsection (1) of section
21 499.01, Florida Statutes, is amended to read:

22 499.01 Permits; applications; renewal; general
23 requirements.--

24 (1) Any person that is required under ss.
25 499.001-499.081 to have a permit must apply to the department
26 on forms furnished by the department.

27 (d) A permit is required for each establishment that
28 operates as a:

- 29 1. Prescription drug manufacturer;
- 30 2. Over-the-counter drug manufacturer;
- 31 3. Compressed medical gas manufacturer;

- 1 4. Device manufacturer;
- 2 5. Cosmetic manufacturer;
- 3 6. Prescription drug wholesaler;
- 4 7. Compressed medical gas wholesaler;
- 5 8. Out-of-state prescription drug wholesaler;
- 6 9. Retail pharmacy drug wholesaler;
- 7 10. Veterinary legend drug retail establishment;
- 8 11. Medical oxygen retail establishment;
- 9 12. Complimentary drug distributor; ~~or~~
- 10 13. Restricted prescription drug distributor; or
- 11 14. On-line pharmacy.

12 Section 3. Section 499.081, Florida Statutes, is
13 amended to read:

14 499.081 Carriers in interstate commerce exempted from
15 ss. 499.001-499.081.--Carriers engaged in interstate commerce
16 are not subject to ss. 499.001-499.081 if they are engaged in
17 the usual course of business as carriers. An on-line pharmacy
18 may not be considered a carrier for purposes of this section.

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

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