

By Senator Campbell

32-1467A-03

See HB 207

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A bill to be entitled
An act relating to pharmacy; amending s.
465.017, F.S.; requiring the Board of Pharmacy
to adopt rules establishing guidelines for
pharmacies to dispose of patient records;
providing an effective date.

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

Section 1. Section 465.017, Florida Statutes, is
amended to read:

465.017 Authority to inspect; disposal.--

(1) Duly authorized agents and employees of the
department shall have the power to inspect in a lawful manner
at all reasonable hours any pharmacy, hospital, clinic,
wholesale establishment, manufacturer, physician's office, or
any other place in the state in which drugs and medical
supplies are manufactured, packed, packaged, made, stored,
sold, offered for sale, exposed for sale, or kept for sale for
the purpose of:

(a) Determining if any of the provisions of this
chapter or any rule promulgated under its authority is being
violated;

(b) Securing samples or specimens of any drug or
medical supply after paying or offering to pay for such sample
or specimen; or

(c) Securing such other evidence as may be needed for
prosecution under this chapter.

(2)(a) Except as permitted by this chapter, and
chapters 406, 409, 456, 499, and 893, records maintained in a
pharmacy relating to the filling of prescriptions and the

1 dispensing of medicinal drugs shall not be furnished to any
2 person other than to the patient for whom the drugs were
3 dispensed, or her or his legal representative, or to the
4 department pursuant to existing law, or, in the event that the
5 patient is incapacitated or unable to request said records,
6 her or his spouse except upon the written authorization of
7 such patient. Such records may be furnished in any civil or
8 criminal proceeding, upon the issuance of a subpoena from a
9 court of competent jurisdiction and proper notice to the
10 patient or her or his legal representative by the party
11 seeking such records.

12 (b) The board shall adopt rules to establish practice
13 guidelines for pharmacies to follow in disposing of records
14 maintained in a pharmacy relating to the filling of
15 prescriptions and the dispensing of medicinal drugs. Such
16 rules shall be consistent with the duty to preserve the
17 confidentiality of such records in accordance with applicable
18 state and federal law.

19 Section 2. This act shall take effect July 1, 2003.
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