

Bill No. CS for CS for SB 2738

Amendment No. ____ Barcode 570246

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Crist moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 79, between lines 17 and 18,		
15			
16	insert:		
17	Section 58. Paragraph (s) is added to subsection (1)		
18	of section 465.016, Florida Statutes, to read:		
19	465.016 Disciplinary actions.--		
20	(1) The following acts constitute grounds for denial		
21	of a license or disciplinary action, as specified in s.		
22	456.072(2):		
23	<u>(s) Dispensing any medicinal drug based upon a</u>		
24	<u>communication that purports to be a prescription as defined by</u>		
25	<u>s. 465.003(14) or s. 893.02(20) when the pharmacist knows or</u>		
26	<u>has reason to believe that the purported prescription is not</u>		
27	<u>based upon a valid practitioner-patient relationship,</u>		
28	<u>including appropriate patient history and a face-to-face or</u>		
29	<u>visual encounter by the practitioner.</u>		
30	Section 59. Paragraph (a) of subsection (11) of		
31	section 465.003, Florida Statutes, is amended to read:		

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1 465.003 Definitions.--As used in this chapter, the
2 term:

3 (11)(a) "Pharmacy" includes a community pharmacy, an
4 institutional pharmacy, a nuclear pharmacy, ~~and~~ a special
5 pharmacy, and an Internet pharmacy.

6 1. The term "community pharmacy" includes every
7 location where medicinal drugs are compounded, dispensed,
8 stored, or sold or where prescriptions are filled or dispensed
9 on an outpatient basis.

10 2. The term "institutional pharmacy" includes every
11 location in a hospital, clinic, nursing home, dispensary,
12 sanitarium, extended care facility, or other facility,
13 hereinafter referred to as "health care institutions," where
14 medicinal drugs are compounded, dispensed, stored, or sold.

15 3. The term "nuclear pharmacy" includes every location
16 where radioactive drugs and chemicals within the
17 classification of medicinal drugs are compounded, dispensed,
18 stored, or sold. The term "nuclear pharmacy" does not include
19 hospitals licensed under chapter 395 or the nuclear medicine
20 facilities of such hospitals.

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

25 5. The term "Internet pharmacy" includes locations
26 that are not otherwise defined in this subsection where
27 medicinal drugs are compounded, dispensed, or stored and
28 subsequently sold primarily or exclusively to consumers over
29 the Internet. An Internet pharmacy must be licensed as a
30 pharmacy under this chapter to sell medicinal drugs to persons
31 in the state.

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1 Section 60. Section 465.0161, Florida Statutes, is
2 created to read:

3 465.0161 Distribution of medicinal drugs without a
4 license.--An Internet pharmacy that distributes medicinal
5 drugs to persons in the state without being licensed as a
6 pharmacy under this chapter commits a felony of the second
7 degree, punishable as provided in s. 775.082 or s. 775.083.

8 Section 61. Paragraph (a) of subsection (1) of section
9 895.02, Florida Statutes, is amended to read:

10 895.02 Definitions.--As used in ss. 895.01-895.08, the
11 term:

12 (1) "Racketeering activity" means to commit, to
13 attempt to commit, to conspire to commit, or to solicit,
14 coerce, or intimidate another person to commit:

15 (a) Any crime which is chargeable by indictment or
16 information under the following provisions of the Florida
17 Statutes:

18 1. Section 210.18, relating to evasion of payment of
19 cigarette taxes.

20 2. Section 403.727(3)(b), relating to environmental
21 control.

22 ~~3.4.~~ Section 409.920, relating to Medicaid provider
23 fraud.

24 ~~4.3.~~ Section 414.39, relating to public assistance
25 fraud.

26 5. Section 440.105 or s. 440.106, relating to workers'
27 compensation.

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

30 ~~7.6.~~ Part IV of chapter 501, relating to
31 telemarketing.

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1 ~~8.7.~~ Chapter 517, relating to sale of securities and
2 investor protection.

3 ~~9.8.~~ Section 550.235, s. 550.3551, or s. 550.3605,
4 relating to dogracing and horseracing.

5 ~~10.9.~~ Chapter 550, relating to jai alai frontons.

6 ~~11.10.~~ Chapter 552, relating to the manufacture,
7 distribution, and use of explosives.

8 ~~12.11.~~ Chapter 560, relating to money transmitters, if
9 the violation is punishable as a felony.

10 ~~13.12.~~ Chapter 562, relating to beverage law
11 enforcement.

12 ~~14.13.~~ Section 624.401, relating to transacting
13 insurance without a certificate of authority, s.
14 624.437(4)(c)1., relating to operating an unauthorized
15 multiple-employer welfare arrangement, or s. 626.902(1)(b),
16 relating to representing or aiding an unauthorized insurer.

17 ~~15.14.~~ Section 655.50, relating to reports of currency
18 transactions, when such violation is punishable as a felony.

19 ~~16.15.~~ Chapter 687, relating to interest and usurious
20 practices.

21 ~~17.16.~~ Section 721.08, s. 721.09, or s. 721.13,
22 relating to real estate timeshare plans.

23 ~~18.17.~~ Chapter 782, relating to homicide.

24 ~~19.18.~~ Chapter 784, relating to assault and battery.

25 ~~20.19.~~ Chapter 787, relating to kidnapping.

26 ~~21.20.~~ Chapter 790, relating to weapons and firearms.

27 ~~22.21.~~ Section 796.03, s. 796.04, s. 796.05, or s.
28 796.07, relating to prostitution.

29 ~~23.22.~~ Chapter 806, relating to arson.

30 ~~24.23.~~ Section 810.02(2)(c), relating to specified
31 burglary of a dwelling or structure.

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1 ~~25.24.~~ Chapter 812, relating to theft, robbery, and
2 related crimes.

3 ~~26.25.~~ Chapter 815, relating to computer-related
4 crimes.

5 ~~27.26.~~ Chapter 817, relating to fraudulent practices,
6 false pretenses, fraud generally, and credit card crimes.

7 ~~28.27.~~ Chapter 825, relating to abuse, neglect, or
8 exploitation of an elderly person or disabled adult.

9 ~~29.28.~~ Section 827.071, relating to commercial sexual
10 exploitation of children.

11 ~~30.29.~~ Chapter 831, relating to forgery and
12 counterfeiting.

13 ~~31.30.~~ Chapter 832, relating to issuance of worthless
14 checks and drafts.

15 ~~32.31.~~ Section 836.05, relating to extortion.

16 ~~33.32.~~ Chapter 837, relating to perjury.

17 ~~34.33.~~ Chapter 838, relating to bribery and misuse of
18 public office.

19 ~~35.34.~~ Chapter 843, relating to obstruction of
20 justice.

21 ~~36.35.~~ Section 847.011, s. 847.012, s. 847.013, s.
22 847.06, or s. 847.07, relating to obscene literature and
23 profanity.

24 ~~37.36.~~ Section 849.09, s. 849.14, s. 849.15, s.
25 849.23, or s. 849.25, relating to gambling.

26 ~~38.37.~~ Chapter 874, relating to criminal street gangs.

27 ~~39.38.~~ Chapter 893, relating to drug abuse prevention
28 and control.

29 ~~40.39.~~ Chapter 896, relating to offenses related to
30 financial transactions.

31 ~~41.40.~~ Sections 914.22 and 914.23, relating to

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1 | tampering with a witness, victim, or informant, and
2 | retaliation against a witness, victim, or informant.

3 | ~~42.41.~~ Sections 918.12 and 918.13, relating to
4 | tampering with jurors and evidence.

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6 | (Redesignate subsequent sections.)
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9 | ===== T I T L E A M E N D M E N T =====

10 | And the title is amended as follows:

11 | On page 6, line 22, after the semicolon

12 |
13 | insert:

14 | amending s. 465.016, F.S.; providing for
15 | disciplinary action for dispensing a medicinal
16 | drug when the pharmacist knows or has reason to
17 | believe a prescription is not valid; amending
18 | s. 465.003, F.S.; providing a definition for
19 | "Internet pharmacy" and requiring such
20 | pharmacies to be licensed under ch. 465, F.S.;
21 | creating s. 465.0161, F.S.; prohibiting the
22 | distribution of medicinal drugs by an Internet
23 | pharmacy without a license; providing
24 | penalties; amending s. 895.02, F.S.; including
25 | violation of s. 465.0161, F.S., in the
26 | definition of "racketeering activity" for
27 | prosecution under ch. 895, F.S.;

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