

Bill No. CS for CS for SB 2738

Amendment No. \_\_\_\_ Barcode 573252

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

**Senate Amendment (with title amendment)**

On page 79, between lines 17 and 18,

insert:

Section 58. Section 465.0158, Florida Statutes, is created to read:

465.0158 On-line pharmacies; dispensing of controlled substances.--An on-line pharmacy may not sell or dispense a controlled substance, as defined in s. 893.02, to a person residing in this state without having a written prescription for that substance provided by a practitioner as defined in s. 893.02. The prescription may be provided by facsimile transmission, if confirmed at the time by audio communication of the prescribing physician via telephonic, electronic, or similar means.

Section 59. Paragraph (d) of subsection (1) of section 499.01, Florida Statutes, is amended to read:

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

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1 (1) Any person that is required under ss.  
2 499.001-499.081 to have a permit must apply to the department  
3 on forms furnished by the department.

4 (d) A permit is required for each establishment that  
5 operates as a:

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

20 Section 60. Section 499.081, Florida Statutes, is  
21 amended to read:

22 499.081 Carriers in interstate commerce exempted from  
23 ss. 499.001-499.081.--Carriers engaged in interstate commerce  
24 are not subject to ss. 499.001-499.081 if they are engaged in  
25 the usual course of business as carriers. An on-line pharmacy  
26 may not be considered a carrier for purposes of this section.

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28 (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 6, line 22, after the semicolon,

4

5 insert:

6 creating s. 465.0158, F.S.; requiring an  
7 on-line pharmacy to have a written prescription  
8 from a practitioner licensed by this state  
9 before selling or dispensing a controlled  
10 substance to a person residing in this state;  
11 providing for facsimile transmission and  
12 verification of such prescription; amending s.  
13 499.01, F.S.; requiring on-line pharmacies to  
14 obtain a permit to operate under pt. I of ch.  
15 499, F.S., the Florida Drug and Cosmetic Act;  
16 amending s. 499.081, F.S.; providing that  
17 on-line pharmacies are not carriers exempt from  
18 pt. I of ch. 499, F.S.;

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