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A bill to be entitled

An act relating to controlled substances; amending s. 893.04, F.S.; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing rulemaking authority to the Board of Pharmacy; creating s. 893.055, F.S.; requiring the Department of Health to establish an electronic system to monitor the prescribing of controlled substances listed in Schedules II, III, and IV; requiring the dispensing of such controlled substances to be reported through the system; providing exceptions; providing reporting requirements; providing penalties; providing rulemaking authority to the department; requiring the department to cover all costs for the system; providing a continuing appropriation; creating s. 893.065, F.S.; requiring the department to develop and adopt by rule the form and content for a counterfeit-proof prescription blank for voluntary use by physicians to prescribe a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing an appropriation; providing effective dates.

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

Section 1. Section 893.04, Florida Statutes, is amended to read:

893.04 Pharmacist and practitioner.--

(1) A pharmacist, in good faith and in the course of professional practice only, may dispense controlled substances



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30 upon a written or oral prescription of a practitioner, under the
31 following conditions:

32 (a) Oral prescriptions must be promptly reduced to writing
33 by the pharmacist.

34 (b) The written prescription must be dated and signed by
35 the prescribing practitioner on the day when issued.

36 (c) There shall appear on the face of the prescription or
37 written record thereof for the controlled substance the
38 following information:

39 1. The full name and address of the person for whom, or
40 the owner of the animal for which, the controlled substance is
41 dispensed.

42 2. The full name and address of the prescribing
43 practitioner and the practitioner's federal controlled substance
44 registry number shall be printed thereon.

45 3. If the prescription is for an animal, the species of
46 animal for which the controlled substance is prescribed.

47 4. The name of the controlled substance prescribed and the
48 strength, quantity, and directions for use thereof.

49 5. The number of the prescription, as recorded in the
50 prescription files of the pharmacy in which it is filled.

51 6. The initials of the pharmacist filling the prescription
52 and the date filled.

53 (d) The prescription shall be retained on file by the
54 proprietor of the pharmacy in which it is filled for a period of
55 2 years.

56 (e) Affixed to the original container in which a
57 controlled substance is delivered upon a prescription or
58 authorized refill thereof, as hereinafter provided, there shall
59 be a label bearing the following information:



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60 1. The name and address of the pharmacy from which such
61 controlled substance was dispensed.

62 2. The date on which the prescription for such controlled
63 substance was filled.

64 3. The number of such prescription, as recorded in the
65 prescription files of the pharmacy in which it is filled.

66 4. The name of the prescribing practitioner.

67 5. The name of the patient for whom, or of the owner and
68 species of the animal for which, the controlled substance is
69 prescribed.

70 6. The directions for the use of the controlled substance
71 prescribed in the prescription.

72 7. A clear, concise warning that it is a crime to transfer
73 the controlled substance to any person other than the patient
74 for whom prescribed.

75 (f) A prescription for a controlled substance listed in
76 Schedule II may be dispensed only upon a written prescription of
77 a practitioner, except that in an emergency situation, as
78 defined by regulation of the Department of Health, such
79 controlled substance may be dispensed upon oral prescription but
80 shall be limited to a 48-hour supply. No prescription for a
81 controlled substance listed in Schedule II may be refilled.

82 (g) No prescription for a controlled substance listed in
83 Schedule ~~Schedules~~ III, Schedule IV, or Schedule V may be filled
84 or refilled more than five times within a period of 6 months
85 after the date on which the prescription was written unless the
86 prescription is renewed by a practitioner.

87 (2)(a) A pharmacist may not dispense a controlled
88 substance listed in Schedule II, Schedule III, or Schedule IV to
89 any individual without first obtaining suitable identification



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90 and documenting, in a log book kept by the pharmacist, the
91 identity of the individual obtaining the controlled substance.
92 The log book entry shall contain the printed name, address,
93 phone number (if available), driver's license number or other
94 suitable identification number, and signature of the person
95 obtaining the controlled substance. If the individual does not
96 have suitable identification or it is impracticable to obtain
97 such identification, the pharmacist may dispense the controlled
98 substance only when the pharmacist determines, in the exercise
99 of her or his professional judgment, that the order is valid. In
100 such case, the pharmacist or his or her designee must obtain the
101 other information required by this paragraph and must sign the
102 log book to indicate that suitable identification was not
103 available and that the pharmacist's professional judgment was
104 exercised prior to dispensing the controlled substance. The
105 Board of Pharmacy may adopt, by rule, procedures for a
106 pharmacist to verify the validity of a prescription for a
107 controlled substance listed in Schedule II, Schedule III, or
108 Schedule IV for circumstances when it is otherwise impracticable
109 for the pharmacist to obtain suitable identification from the
110 patient or the patient's agent. For purposes of this paragraph,
111 identification is suitable only if it contains the photograph,
112 printed name, and signature of the individual obtaining the
113 controlled substance.

114 (b) Any pharmacist that dispenses by mail a controlled
115 substance listed in Schedule II, Schedule III, or Schedule IV
116 shall be exempt from the requirement to obtain suitable
117 identification.

118 (c) Any controlled substance listed in Schedule III or
119 Schedule IV may be dispensed by a pharmacist upon an oral



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120 prescription if, before filling the prescription, the pharmacist
 121 reduces it to writing. Such prescriptions must contain the date
 122 of the oral authorization.

123 (d) All prescriptions issued for a controlled substance
 124 listed in Schedule II, Schedule III, or Schedule IV must include
 125 both a written and numerical notation of the date and quantity
 126 on the face of the prescription.

127 (e) A pharmacist may not dispense more than a 30-day
 128 supply of a controlled substance listed in Schedule III upon an
 129 oral prescription.

130 (f) A pharmacist may not knowingly fill a prescription
 131 that has been mutilated or forged for a controlled substance
 132 listed in Schedule II, Schedule III, or Schedule IV.

133 ~~(3)~~~~(2)~~ Notwithstanding the provisions of subsection (1), a
 134 pharmacist may dispense a one-time emergency refill of up to a
 135 72-hour supply of the prescribed medication for any medicinal
 136 drug other than a medicinal drug listed in Schedule II, in
 137 compliance with the provisions of s. 465.0275.

138 ~~(4)~~~~(3)~~ The legal owner of any stock of controlled
 139 substances in a pharmacy, upon discontinuance of dealing in
 140 controlled substances, may sell said stock to a manufacturer,
 141 wholesaler, or pharmacy. Such controlled substances may be sold
 142 only upon an order form, when such an order form is required for
 143 sale by the drug abuse laws of the United States or this state,
 144 or regulations pursuant thereto.

145 Section 2. Section 893.055, Florida Statutes, is created
 146 to read:

147 893.055 Electronic monitoring system for prescription of
 148 controlled substances listed in Schedules II, III, and IV.--



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149 (1) By January 1, 2004, the Department of Health shall
150 design and establish an electronic system to monitor the
151 prescribing of controlled substances listed in Schedules II,
152 III, and IV by health care practitioners within the state or the
153 dispensing of such controlled substances to an address within
154 the state by a pharmacy permitted or registered by the Board of
155 Pharmacy.

156 (2) Any controlled substance listed in Schedule II,
157 Schedule III, or Schedule IV that is dispensed in this state
158 must be reported to the Department of Health through the system,
159 as soon thereafter as possible but not more than 30 days after
160 the date the controlled substance is dispensed, each time the
161 controlled substance is dispensed.

162 (3) This section does not apply to controlled substances:

163 (a) Administered by a health care practitioner directly to
164 a patient.

165 (b) Dispensed by a health care practitioner to a patient
166 and limited to an amount adequate to treat the patient for a
167 period of no more than 48 hours.

168 (c) Dispensed by a health care practitioner to an in-
169 patient of a facility with an institutional pharmacy permit.

170 (d) Prescribed by a health care practitioner for a patient
171 less than 16 years of age.

172 (4) The data required to be reported under this section
173 shall be determined by the Department of Health by rule but may
174 include any data required under s. 893.04 and must include the
175 category of professional licensure of the prescribing
176 practitioner.

177 (5) A dispenser must transmit the information required by
178 this section in an electronic format approved by rule of the



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179 Board of Pharmacy after consultation with the Department of
 180 Health, unless a specific waiver is granted to that dispenser by
 181 the Department of Health. The information transmitted to the
 182 Department of Health under this section may be transmitted to
 183 any agency authorized to receive it, and that agency may
 184 maintain the information received for up to 12 months before
 185 purging it from its records. Notwithstanding the foregoing, any
 186 authorized agency receiving such information may maintain it
 187 longer than 12 months if the information is pertinent to an
 188 ongoing investigation arising under this section.

189 (6) Any person who willfully fails to report the
 190 dispensing of a controlled substance listed in Schedule II,
 191 Schedule III, or Schedule IV as required by this section commits
 192 a misdemeanor of the first degree, punishable as provided in s.
 193 775.082 or s. 775.083.

194 (7) The Department of Health shall adopt rules pursuant to
 195 ss. 120.536(1) and 120.54 necessary to implement and administer
 196 this section.

197 (8) The Department of Health must cover all costs for the
 198 prescription monitoring system, and there is appropriated
 199 annually out of the General Revenue Fund, to be paid to the
 200 Administrative Trust Fund of the department, an amount necessary
 201 to cover such costs.

202 Section 3. Section 893.065, Florida Statutes, is created
 203 to read:

204 893.065 Counterfeit-resistant prescription blanks for
 205 controlled substances listed in Schedules II, III, and IV.--The
 206 Department of Health shall develop and adopt by rule the form
 207 and content for a counterfeit-proof prescription blank which may
 208 be used by practitioners to prescribe a controlled substance



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209 listed in Schedule II, Schedule III, or Schedule IV. The
210 Department of Health may require the prescription blanks to be
211 printed on distinctive, watermarked paper and to bear the
212 preprinted name, address, and category of professional licensure
213 of the practitioner and that practitioner's federal registry
214 number for controlled substances. The prescription blanks may
215 not be transferred.

216 Section 4. There is appropriated from the General Revenue
217 Fund to the Administrative Trust Fund of the Department of
218 Health an amount sufficient to cover the costs for fiscal year
219 2003-2004 of implementing the provisions of s. 893.055, Florida
220 Statutes, as created by this act. This section shall take effect
221 July 1, 2003.

222 Section 5. Except as otherwise provided herein, this act
223 shall take effect January 1, 2004.