

1                                   A bill to be entitled  
2           An act relating to the Florida Pharmacy Act;  
3           amending s. 465.003, F.S.; defining the term  
4           "automated pharmacy system" for purposes of the  
5           Florida Pharmacy Act; amending s. 465.015,  
6           F.S.; providing that it is unlawful for a  
7           person, firm, or corporation that is not  
8           licensed or registered under the act to use  
9           certain terms implying that the person, firm,  
10          or corporation is so licensed or registered, or  
11          to hold himself or herself out as licensed or  
12          registered to practice pharmacy in this state;  
13          providing penalties; creating s. 465.0235,  
14          F.S.; authorizing a pharmacy to provide  
15          services to a long-term care facility or  
16          hospice licensed under ch. 400, F.S., or a  
17          state correctional institution operated under  
18          ch. 944, F.S., through an automated pharmacy  
19          system; providing that drugs delivered from an  
20          automated pharmacy system are considered to  
21          have been dispensed by the pharmacy that  
22          services a long-term care facility, hospice, or  
23          correctional institution; requiring that the  
24          operation of an automated pharmacy system be  
25          under the supervision of a pharmacist;  
26          providing legislative intent relating to  
27          automated pharmacy systems; requiring the Board  
28          of Pharmacy to adopt rules; amending s.  
29          465.026, F.S.; authorizing a community pharmacy  
30          to transmit a prescription for a Schedule II  
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1 medicinal drug under certain conditions;  
2 providing an effective date.

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

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6 Section 1. Subsection (17) is added to section  
7 465.003, Florida Statutes, to read:

8 465.003 Definitions.--As used in this chapter, the  
9 term:

10 (17) "Automated pharmacy system" means a mechanical  
11 system that delivers prescription drugs received from a  
12 Florida licensed pharmacy and maintains related transaction  
13 information.

14 Section 2. Paragraph (c) is added to subsection (3) of  
15 section 465.015, Florida Statutes, and subsection (4) of that  
16 section is amended, to read:

17 465.015 Violations and penalties.--

18 (3)

19 (c) It is unlawful for a person, firm, or corporation  
20 that is not licensed or registered under this chapter to:

21 1. Use in a trade name, sign, letter, or advertisement  
22 any term, including "drug," "pharmacy," "prescription drugs,"  
23 "Rx," or "apothecary," which implies that the person, firm, or  
24 corporation is licensed or registered to practice pharmacy in  
25 this state.

26 2. Hold himself or herself out to others as a person,  
27 firm, or corporation licensed or registered to practice  
28 pharmacy in this state.

29 (4) Any person who violates any provision of  
30 subsection (1) or subsection (3) commits ~~is guilty of~~ a  
31 misdemeanor of the first degree, punishable as provided in s.

1 775.082 or s. 775.083. Any person who violates any provision  
2 of subsection (2) commits ~~is guilty of~~ a felony of the third  
3 degree, punishable as provided in s. 775.082, s. 775.083, or  
4 s. 775.084. In any warrant, information, or indictment, it  
5 shall not be necessary to negative any exceptions, and the  
6 burden of any exception shall be upon the defendant.

7 Section 3. Section 465.0235, Florida Statutes, is  
8 created to read:

9 465.0235 Automated pharmacy systems used by long-term  
10 care facilities, hospices, or state correctional  
11 institutions.--

12 (1) A pharmacy may provide pharmacy services to a  
13 long-term care facility or hospice licensed under chapter 400  
14 or a state correctional institution operated under chapter 944  
15 through the use of an automated pharmacy system that need not  
16 be located at the same location as the pharmacy.

17 (2) Medicinal drugs stored in bulk or unit of use in  
18 an automated pharmacy system servicing a long-term care  
19 facility, hospice, or correctional institution are part of the  
20 inventory of the pharmacy providing pharmacy services to that  
21 facility, hospice, or institution, and drugs delivered by the  
22 automated pharmacy system are considered to have been  
23 dispensed by that pharmacy.

24 (3) The operation of an automated pharmacy system must  
25 be under the supervision of a Florida-licensed pharmacist. To  
26 qualify as a supervisor for an automated pharmacy system, the  
27 pharmacist need not be physically present at the site of the  
28 automated pharmacy system and may supervise the system  
29 electronically. The Florida-licensed pharmacist shall be  
30 required to develop and implement policies and procedures  
31 designed to verify that the medicinal drugs delivered by the

1 automated dispensing system are accurate and valid and that  
2 the machine is properly restocked.

3 (4) The Legislature does not intend this section to  
4 limit the current practice of pharmacy in this state. This  
5 section is intended to allow automated pharmacy systems to  
6 enhance the ability of a pharmacist to provide pharmacy  
7 services in locations that do not employ a full-time  
8 pharmacist. This section does not limit or replace the use of  
9 a consultant pharmacist.

10 (5) The board shall adopt rules governing the use of  
11 an automated pharmacy system by January 1, 2005, which must  
12 specify:

13 (a) Recordkeeping requirements;

14 (b) Security requirements; and

15 (c) Labeling requirements that permit the use of  
16 unit-dose medications if the facility, hospice, or institution  
17 maintains medication-administration records that include  
18 directions for use of the medication and the automated  
19 pharmacy system identifies:

20 1. The dispensing pharmacy;

21 2. The prescription number;

22 3. The name of the patient; and

23 4. The name of the prescribing practitioner.

24 Section 4. Subsection (7) is added to section 465.026,  
25 Florida Statutes, to read:

26 465.026 Filling of certain prescriptions.--Nothing  
27 contained in this chapter shall be construed to prohibit a  
28 pharmacist licensed in this state from filling or refilling a  
29 valid prescription which is on file in a pharmacy located in  
30 this state or in another state and has been transferred from  
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1 one pharmacy to another by any means, including any electronic  
2 means, under the following conditions:

3 (7) A community pharmacy licensed under this chapter  
4 which only receives and transfers prescriptions for dispensing  
5 by another pharmacy may transfer a prescription for a  
6 medicinal drug listed in Schedule II under chapter 893. The  
7 pharmacy receiving the prescription may ship, mail, or deliver  
8 into this state, in any manner, the dispensed Schedule II  
9 medicinal drug under the following conditions:

10 (a) The pharmacy receiving and dispensing the  
11 transferred prescription maintains at all times a valid,  
12 unexpired license, permit, or registration to operate the  
13 pharmacy in compliance with the laws of the state in which the  
14 pharmacy is located and from which the medicinal drugs are  
15 dispensed;

16 (b) The community pharmacy and the receiving pharmacy  
17 are owned and operated by the same person and share a  
18 centralized database; and

19 (c) The community pharmacy assures its compliance with  
20 the federal laws and subsections (1)-(5).

21 Section 5. This act shall take effect upon becoming a  
22 law.

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