

By Senator Crist

12-198-04

1 A bill to be entitled
2 An act relating to the dispensing of
3 prescriptions and controlled substances;
4 amending s. 322.212, F.S.; providing that it is
5 a third-degree felony to use or attempt to use
6 a false or stolen driver's license or
7 identification card to obtain a prescription
8 drug or controlled substance from a pharmacist;
9 amending s. 465.015, F.S.; providing that it is
10 a third-degree felony to dispense a
11 prescription without first being furnished with
12 a photo identification; amending s. 893.04,
13 F.S.; limiting the dispensing of controlled
14 substances to persons furnishing photo
15 identification or to persons known to the
16 pharmacist; providing an effective date.

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

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20 Section 1. Subsections (1) and (6) of section 322.212,
21 Florida Statutes, are amended to read:

22 322.212 Unauthorized possession of, and other
23 unlawful acts in relation to, driver's license or
24 identification card.--

25 (1) It is unlawful for any person to:

26 (a) Knowingly have in his or her possession or to
27 display any blank, forged, stolen, fictitious, counterfeit, or
28 unlawfully issued driver's license or identification card or
29 any instrument in the similitude of a driver's license or
30 identification card unless possession by such person has been
31 duly authorized by the department;

1 (b) Knowingly have in his or her possession any
2 instrument in the similitude of a driver's license issued by
3 the department or its duly authorized agents or those of any
4 state or jurisdiction issuing licenses recognized in this
5 state for the operation of a motor vehicle;

6 (c) Knowingly have in his or her possession any
7 instrument in the similitude of an identification card issued
8 by the department or its duly authorized agents or those of
9 any state or jurisdiction issuing identification cards
10 recognized in this state for the purpose of indicating a
11 person's true name and age; ~~or~~

12 (d) Knowingly sell, manufacture, or deliver, or
13 knowingly offer to sell, manufacture, or deliver, a blank,
14 forged, stolen, fictitious, counterfeit, or unlawfully issued
15 driver's license or identification card, or an instrument in
16 the similitude of a driver's license or identification card,
17 unless that person is authorized to do so by the department. A
18 violation of this section may be investigated by any law
19 enforcement agency, including the Division of Alcoholic
20 Beverages and Tobacco; ~~or~~

21 (e) Knowingly use or knowingly attempt to use a
22 forged, stolen, fictitious, counterfeit, or unlawfully issued
23 driver's license or identification card to obtain a
24 prescription from a pharmacist as defined in s. 465.003.

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26 The term "driver's license" includes a driver's license issued
27 by the department or its agents or a driver's license issued
28 by any state or jurisdiction that issues licenses recognized
29 in this state for the operation of a motor vehicle. The term
30 "identification card" includes any identification card issued
31 by the department or its agents or any identification card

1 issued by any state or jurisdiction that issues identification
2 cards recognized in this state for the purpose of indicating a
3 person's true name and age. This subsection does not prohibit
4 a person from possessing or displaying another person's
5 driver's license or identification card for a lawful purpose.

6 (6) Except as otherwise provided in this subsection,
7 any person who violates any of the provisions of this section
8 commits ~~is guilty of~~ a felony of the third degree, punishable
9 as provided in s. 775.082, s. 775.083, or s. 775.084. Any
10 person who violates paragraph (5)(a) by giving a false age in
11 any application for a driver's license or identification card
12 or who violates paragraph (5)(b) by possessing a driver's
13 license, identification card, or any instrument in the
14 similitude thereof, on which the date of birth has been
15 altered is guilty of a misdemeanor of the second degree,
16 punishable as provided in s. 775.082 or s. 775.083. Any person
17 who violates paragraph (1)(d) commits a felony of the third
18 degree, punishable as provided in s. 775.082, s. 775.083, or
19 s. 775.084.

20 Section 2. Subsections (2) and (4) of section 465.015,
21 Florida Statutes, are amended to read:

22 465.015 Violations and penalties.--

23 (2) It is unlawful for any person to:

24 (a) ~~To~~ Make a false or fraudulent statement, either
25 for herself or himself or for another person, in any
26 application, affidavit, or statement presented to the board or
27 in any proceeding before the board.

28 (b) ~~To~~ Fill, compound, or dispense prescriptions or to
29 dispense medicinal drugs if such person does not hold an
30 active license as a pharmacist in this state, is not
31 registered as an intern in this state, or is an intern not

1 acting under the direct and immediate personal supervision of
2 a licensed pharmacist.

3 (c) ~~To~~ Sell or dispense drugs as defined in s.
4 465.003(8) without first being furnished with a prescription.

5 (d) ~~To~~ Sell samples or complimentary packages of drug
6 products.

7 (e) Fill, compound, or dispense a prescription or to
8 dispense a medicinal drug without first being furnished with a
9 photo identification unless the person receiving the
10 prescription or medicinal drug is personally known to the
11 pharmacist.

12 (4) Any person who violates any provision of
13 subsection (1) or subsection (3) commits ~~is guilty of~~ a
14 misdemeanor of the first degree, punishable as provided in s.
15 775.082 or s. 775.083. Any person who violates any provision
16 of subsection (2) commits ~~is guilty of~~ a felony of the third
17 degree, punishable as provided in s. 775.082, s. 775.083, or
18 s. 775.084. In any warrant, information, or indictment, it
19 shall not be necessary to negative any exceptions, and the
20 burden of any exception shall be upon the defendant.

21 Section 3. Present paragraphs (d), (e), (f), and (g)
22 of subsection (1) of section 893.04, Florida Statutes, are
23 redesignated as paragraphs (e), (f), (g), and (h),
24 respectively, and a new paragraph (d) is added to that
25 subsection, to read:

26 893.04 Pharmacist and practitioner.--

27 (1) A pharmacist, in good faith and in the course of
28 professional practice only, may dispense controlled substances
29 upon a written or oral prescription of a practitioner, under
30 the following conditions:

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1 (d) Prior to dispensing a prescription for a
2 controlled substance, the pharmacist must verify the identity
3 of the ultimate consumer, or the person receiving the
4 prescription on behalf of the ultimate consumer, by one of the
5 following methods:

- 6 1. Knowing the person receiving the prescription; or
7 2. Requiring presentation of photo identification by
8 the person receiving the prescription.

9 Section 4. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Prohibits the use of a false or stolen driver's license or identification card to obtain a prescription drug or controlled substance from a pharmacist. Provides that it is a third-degree felony to dispense a prescription without first being furnished with a photo identification. Limits the dispensing of controlled substances to persons furnishing photo identification or to persons known to the pharmacist.