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A bill to be entitled  
 An act relating to controlled substances; creating s.  
 831.311, F.S.; prohibiting the sale, manufacture,  
 alteration, delivery, uttering, or possession of  
 counterfeit-resistant prescription blanks for controlled  
 substances; providing penalties; amending s. 893.04, F.S.;  
 authorizing electronic recording of oral prescriptions for  
 a controlled substance; 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.  
 893.065, F.S.; requiring the Department of Health 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  
 contingent applicability of penalties; requiring reports  
 of law enforcement agencies and medical examiners to  
 include specified information if a person dies of an  
 apparent overdose of a controlled substance listed in  
 Schedule II, Schedule III, or Schedule IV; providing an  
 effective date.

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

Section 1. Section 831.311, Florida Statutes, is created  
 to read:

831.311 Violations involving certain prescription blanks

29 for controlled substances in Schedules II-IV.--

30 (1) It is unlawful for any person with the intent to  
 31 injure or defraud any person or to facilitate any violation of  
 32 s. 893.13 to sell, manufacture, alter, deliver, utter, or  
 33 possess any counterfeit-resistant prescription blank for  
 34 controlled substances as provided for in s. 893.065.

35 (2) Any person who violates this section commits a felony  
 36 of the third degree, punishable as provided in s. 775.082, s.  
 37 775.083, or s. 775.084.

38 Section 2. Section 893.04, Florida Statutes, is amended to  
 39 read:

40 893.04 Pharmacist and practitioner.--

41 (1) A pharmacist, in good faith and in the course of  
 42 professional practice only, may dispense controlled substances  
 43 upon a written or oral prescription of a practitioner, under the  
 44 following conditions:

45 (a) Oral prescriptions must be promptly reduced to writing  
 46 by the pharmacist or recorded electronically.

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

49 (c) There shall appear on the face of the prescription or  
 50 written record thereof for the controlled substance the  
 51 following information:

52 1. The full name and address of the person for whom, or  
 53 the owner of the animal for which, the controlled substance is  
 54 dispensed.

55           2. The full name and address of the prescribing  
56 practitioner and the practitioner's federal controlled substance  
57 registry number shall be printed thereon.

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

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

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

64           6. The initials of the pharmacist filling the prescription  
65 and the date filled.

66           (d) The prescription shall be retained on file by the  
67 proprietor of the pharmacy in which it is filled for a period of  
68 2 years.

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

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

75           2. The date on which the prescription for such controlled  
76 substance was filled.

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

79           4. The name of the prescribing practitioner.

80           5. The name of the patient for whom, or of the owner and  
81 species of the animal for which, the controlled substance is  
82 prescribed.

83           6. The directions for the use of the controlled substance  
84 prescribed in the prescription.

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

88           (f) A prescription for a controlled substance listed in  
89 Schedule II may be dispensed only upon a written prescription of  
90 a practitioner, except that in an emergency situation, as  
91 defined by regulation of the Department of Health, such  
92 controlled substance may be dispensed upon oral prescription but  
93 is limited to a 72-hour supply. No prescription for a controlled  
94 substance listed in Schedule II may be refilled.

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

100           (2)(a) A pharmacist may not dispense a controlled  
101 substance listed in Schedule II, Schedule III, or Schedule IV to  
102 any patient or patient's agent without first determining, in the  
103 exercise of her or his professional judgment, that the order is  
104 valid. The pharmacist or pharmacist's agent must also obtain the  
105 patient's or the patient's agent's identification information,  
106 in writing, electronic format, or other approved manner prior to  
107 dispensing any controlled substance. If the patient or the  
108 patient's agent does not have appropriate identification, the  
109 pharmacist may dispense the controlled substance only when the  
110 pharmacist determines, in the exercise of her or his

111 professional judgment, that the order is valid and includes such  
112 information in the patient's record. The Board of Pharmacy may  
113 adopt, by rule, required patient or patient agent identification  
114 information for controlled substances and procedures for a  
115 pharmacist to verify the validity of a prescription for  
116 controlled substances for circumstances in which the pharmacist  
117 is not provided required identification information.

118 (b) Any pharmacist that dispenses by mail a controlled  
119 substance listed in Schedule II, Schedule III, or Schedule IV  
120 shall be exempt from the requirement to obtain suitable  
121 identification for the prescription dispensed by mail.

122 (c) Any controlled substance listed in Schedule III or  
123 Schedule IV may be dispensed by a pharmacist upon an oral  
124 prescription if, before filling the prescription, the pharmacist  
125 reduces the prescription to writing or records it  
126 electronically. Such prescriptions must contain the date of the  
127 oral authorization.

128 (d) Each written prescription from a practitioner in this  
129 state for a controlled substance listed in Schedule II, Schedule  
130 III, or Schedule IV must include both a written and a numerical  
131 notation of the quantity on the face of the prescription and a  
132 notation of the date with the abbreviated month written out on  
133 the face of the prescription. A pharmacist may, upon  
134 verification by the prescriber, document any information  
135 required by this paragraph.

136 (e) A pharmacist may not dispense more than a 30-day  
137 supply of a controlled substance listed in Schedule III upon an  
138 oral prescription issued in this state.

139 (f) A pharmacist may not knowingly fill a prescription  
 140 that has been forged for a controlled substance listed in  
 141 Schedule II, Schedule III, or Schedule IV.

142 ~~(3)(2)~~ Notwithstanding the provisions of subsection (1), a  
 143 pharmacist may dispense a one-time emergency refill of up to a  
 144 72-hour supply of the prescribed medication for any medicinal  
 145 drug other than a medicinal drug listed in Schedule II, in  
 146 compliance with the provisions of s. 465.0275.

147 ~~(4)(3)~~ The legal owner of any stock of controlled  
 148 substances in a pharmacy, upon discontinuance of dealing in  
 149 controlled substances, may sell said stock to a manufacturer,  
 150 wholesaler, or pharmacy. Such controlled substances may be sold  
 151 only upon an order form, when such an order form is required for  
 152 sale by the drug abuse laws of the United States or this state,  
 153 or regulations pursuant thereto.

154 Section 3. Section 893.065, Florida Statutes, is created  
 155 to read:

156 893.065 Counterfeit-resistant prescription blanks for  
 157 controlled substances listed in Schedules II-IV.--The Department  
 158 of Health shall develop and adopt by rule the form and content  
 159 for a counterfeit-resistant prescription blank that may be used  
 160 by practitioners to prescribe a controlled substance listed in  
 161 Schedule II, Schedule III, or Schedule IV. The Department of  
 162 Health may require the prescription blanks to be printed on  
 163 distinctive, watermarked paper and to bear the preprinted name,  
 164 address, and category of professional licensure of the  
 165 practitioner and that practitioner's federal registry number for  
 166 controlled substances. The prescription blanks may not be

167 transferred.

168 Section 4. The penalties created in s. 831.311(2), Florida  
 169 Statutes, by this act shall be effective only upon the adoption  
 170 of the rules required pursuant to s. 893.065, Florida Statutes,  
 171 as created by this act.

172 Section 5. If a person dies of an apparent drug overdose:

173 (1) A law enforcement agency shall prepare a report  
 174 identifying each prescribed controlled substance listed in  
 175 Schedule II, Schedule III, or Schedule IV that is found on or  
 176 near the deceased or among the deceased's possessions. The  
 177 report must identify the person who prescribed the controlled  
 178 substance, if known or ascertainable. Thereafter, the law  
 179 enforcement agency shall submit a copy of the report to the  
 180 medical examiner.

181 (2) A medical examiner who is preparing a report pursuant  
 182 to s. 406.11, Florida Statutes, shall include in the report  
 183 information identifying each prescribed controlled substance  
 184 listed in Schedule II, Schedule III, or Schedule IV that was  
 185 found in, on, or near the deceased or among the deceased's  
 186 possessions.

187 Section 6. This act shall take effect July 1, 2005.