

Bill No. SB 1408

Barcode 210964

CHAMBER ACTION

Senate

House

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Senator Peaden moved the following amendment:

Senate Amendment (with title amendment)

On page 2, between lines 24 and 25,

insert:

Section 3. Section 456.43, Florida Statutes, is created to read:

456.43 Electronic prescribing for medicinal drugs.--

(1) Electronic prescribing shall not interfere with a patient's freedom to choose a pharmacy.

(2) Electronic prescribing software shall not use any means or permit any other person to use any means, including, but not limited to, advertising, instant messaging, and pop-up ads, to influence or attempt to influence, through economic incentives or otherwise, the prescribing decision of a physician at the point of care. Such means shall not be triggered or in specific response to the input, selection, or act of a physician or his or her agent in prescribing a certain pharmaceutical or directing a patient to a certain pharmacy.

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1 (a) The term "prescribing decision" means a
 2 physician's decision to prescribe a certain pharmaceutical or
 3 direct a patient to a certain pharmacy.

4 (b) The term "point of care" means the time that a
 5 physician or his or her agent is in the act of prescribing a
 6 certain pharmaceutical or directing a patient to a certain
 7 pharmacy.

8 (3) Electronic prescribing software may show
 9 information regarding a payor's formulary as long as nothing
 10 is designed to preclude or make more difficult the act of a
 11 physician or patient selecting any particular pharmacy or
 12 pharmaceutical.

13
 14 (Redesignate subsequent sections.)

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

18 And the title is amended as follows:

19 On page 1, line 11, after the first semicolon,
 20
 21 insert:

22 creating s. 456.43, F.S.; regulating electronic
 23 prescribing for medicinal drugs; providing
 24 restrictions for electronic prescribing
 25 software; providing definitions; authorizing
 26 electronic prescribing software to show
 27 information regarding a payor's formulary under
 28 certain circumstances;

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