

Bill No. SB 1408

Barcode 921838

CHAMBER ACTION

Senate

House

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Senator Peaden moved the following **substitute for amendment**
(210964):

Senate Amendment (with title amendment)

On page 2, between lines 24 and 25, through

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
prescribing practitioner at the point of care. Such means
shall not be triggered or in specific response to the input,
selection, or act of a prescribing practitioner or his or her
agent in prescribing a certain pharmaceutical or directing a

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1 patient to a certain pharmacy.

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

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

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

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

17 And the title is amended as follows:

18 On page 1, line 11, after the first semicolon,

19

20 insert:

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

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