

By Senator Haridopolos

26-1252-06

See HB

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A bill to be entitled  
An act relating to pharmacy common databases;  
amending s. 465.026, F.S.; deleting a provision  
authorizing certain community pharmacies to  
transfer prescriptions for Schedule II  
medicinal drugs under certain conditions;  
creating s. 465.0266, F.S.; authorizing the  
dispensing or refilling of a prescription  
without a transferred prescription under  
specified conditions; providing an effective  
date.

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

Section 1. Subsection (7) of section 465.026, Florida  
Statutes, is amended to read:

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

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

1           ~~(a) The pharmacy receiving and dispensing the~~  
2 ~~transferred prescription maintains at all times a valid,~~  
3 ~~unexpired license, permit, or registration to operate the~~  
4 ~~pharmacy in compliance with the laws of the state in which the~~  
5 ~~pharmacy is located and from which the medicinal drugs are~~  
6 ~~dispensed;~~

7           ~~(b) The community pharmacy and the receiving pharmacy~~  
8 ~~are owned and operated by the same person and share a~~  
9 ~~centralized database; and~~

10           ~~(c) The community pharmacy assures its compliance with~~  
11 ~~the federal laws and subsections (1) (5).~~

12           Section 2. Section 465.0266, Florida Statutes, is  
13 created to read:

14           465.0266 Common database.--The dispensing or refilling  
15 of a prescription on file in a pharmacy located in this state  
16 or in another state by a pharmacist licensed in this state or  
17 in another state shall not require the transfer of the  
18 prescription if all of the following conditions are present:

19           (1) The participating pharmacies have the same owner  
20 and share a common database.

21           (2) The prescription information is maintained within  
22 the common database.

23           (3) The common database maintains a record of all  
24 persons involved, in any manner, in the dispensing or  
25 refilling of the prescription.

26           (4) All participating pharmacies are properly licensed  
27 by their state of residence.

28           (5) All participating pharmacies in another state are  
29 properly registered or permitted as a nonresident or Internet  
30 pharmacy in this state.

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1           (6) All participating pharmacists are responsible for  
2 the actual task performed in the dispensing or refilling of  
3 the prescription.

4           Section 3. This act shall take effect July 1, 2006.  
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