

1 A bill to be entitled
 2 An act relating to pharmacy common databases; amending s.
 3 465.026, F.S.; deleting a provision authorizing certain
 4 community pharmacies to transfer prescriptions for
 5 Schedule II medicinal drugs under certain conditions;
 6 creating s. 465.0266, F.S.; authorizing the dispensing or
 7 refilling of a prescription without a transferred
 8 prescription under specified conditions; providing an
 9 effective date.

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

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

15 465.026 Filling of certain prescriptions.--Nothing
 16 contained in this chapter shall be construed to prohibit a
 17 pharmacist licensed in this state from filling or refilling a
 18 valid prescription which is on file in a pharmacy located in
 19 this state or in another state and has been transferred from one
 20 pharmacy to another by any means, including any electronic
 21 means, under the following conditions:

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

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29 ~~(a) The pharmacy receiving and dispensing the transferred~~
30 ~~prescription maintains at all times a valid, unexpired license,~~
31 ~~permit, or registration to operate the pharmacy in compliance~~
32 ~~with the laws of the state in which the pharmacy is located and~~
33 ~~from which the medicinal drugs are dispensed;~~

34 ~~(b) The community pharmacy and the receiving pharmacy are~~
35 ~~owned and operated by the same person and share a centralized~~
36 ~~database; and~~

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

39 Section 2. Section 465.0266, Florida Statutes, is created
40 to read:

41 465.0266 Common database.--The dispensing or refilling of
42 a prescription on file in a pharmacy located in this state or in
43 another state by a pharmacist licensed in this state or in
44 another state shall not require the transfer of the prescription
45 if all of the following conditions are present:

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

48 (2) The prescription information is maintained within the
49 common database.

50 (3) The common database maintains a record of all persons
51 involved, in any manner, in the dispensing or refilling of the
52 prescription.

53 (4) All participating pharmacies are properly licensed by
54 their state of residence.

55 (5) All participating pharmacies in another state are
56 properly registered or permitted as a nonresident or Internet

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57 pharmacy in this state.

58 (6) All participating pharmacists are responsible for the
59 actual task performed in the dispensing or refilling of the
60 prescription.

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