

1                   A bill to be entitled  
 2           An act relating to Broward County; defining the term  
 3           "pharmacy"; establishing an electronic system to monitor  
 4           prescriptions for specified controlled substances;  
 5           providing that the system shall be designed by the county  
 6           and approved by the Department of Health; providing that  
 7           certain controlled substances dispensed to county  
 8           residents shall be reported to the county through the  
 9           system; providing exceptions; providing requirements with  
 10          respect to the data reported and its maintenance and  
 11          sharing; providing that the costs of transmission may not  
 12          be material or extraordinary; requiring information  
 13          received or kept by county or others to comply with  
 14          relevant state and federal privacy and security laws;  
 15          providing that failure to report is a crime subject to  
 16          penalties provided by general law; providing that the  
 17          prescription monitoring system is conditioned upon a  
 18          resolution by the county commission confirming sufficient  
 19          funding and enactment of a specified general law;  
 20          providing an effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. (1) As used in this section, the term  
 25 "pharmacy" means any pharmacy or dispensing practitioner subject  
 26 to licensure or regulation by the Department of Health pursuant  
 27 to chapter 465, Florida Statutes, which dispenses or delivers a  
 28 controlled substance included on Schedule II, Schedule III, or

29 Schedule IV of section 893.03, Florida Statutes, to a patient in  
 30 this state.

31 (2) By June 30, 2009, Broward County shall design and  
 32 establish an electronic system consistent with standards of the  
 33 American Society for Automation in Pharmacy to monitor the  
 34 prescribing and dispensing of controlled substances listed in  
 35 Schedule II, Schedule III, or Schedule IV of section 893.03,  
 36 Florida Statutes, by health care practitioners within Broward  
 37 County and the dispensing of such controlled substances to an  
 38 individual at a specific address within Broward County by a  
 39 pharmacy or dispensing practitioner permitted or registered by  
 40 the Board of Pharmacy. Such system shall be approved by the  
 41 Department of Health prior to the implementation of the  
 42 electronic monitoring system as contemplated in this act.

43 (3) Each time a controlled substance listed in Schedule  
 44 II, Schedule III, or Schedule IV of section 893.03, Florida  
 45 Statutes, is dispensed to an individual in the county, the  
 46 controlled substance must be reported to Broward County through  
 47 the system as soon thereafter as possible, but not more than 35  
 48 days after the date the controlled substance is dispensed. A  
 49 pharmacy or dispensing practitioner may meet the reporting  
 50 requirements of this section by providing to Broward County in  
 51 written form or any electronic or magnetic format, including,  
 52 but not limited to, electronic submission via the Internet or  
 53 magnetic disc or tape, each controlled substance listed in  
 54 Schedule II, Schedule III, or Schedule IV of section 893.03,  
 55 Florida Statutes, which it dispenses.

56 (4) This section does not apply to controlled substances:

HB 1347

2008

57 (a) Administered by a health care practitioner directly to  
58 a patient.

59 (b) Dispensed by a health care practitioner authorized to  
60 prescribe controlled substances directly to a patient and  
61 limited to an amount adequate to treat the patient for a period  
62 of not more than 72 hours.

63 (c) Dispensed by a health care practitioner or a  
64 pharmacist to an inpatient of a facility that holds an  
65 institutional pharmacy permit.

66 (d) Ordered from an institutional pharmacy permitted under  
67 section 465.019, Florida Statutes, in accordance with the  
68 institutional policy for such controlled substances or drugs.

69 (e) Dispensed by a pharmacist or administered by a health  
70 care practitioner to a patient or resident receiving care from a  
71 hospital, nursing home, assisted living facility, home health  
72 agency, hospice, or intermediate care facility for the  
73 developmentally disabled that is licensed in this state.

74 (5) The data required to be reported under this section  
75 shall be determined by Broward County by regulation but may  
76 include any data required under section 893.04, Florida  
77 Statutes.

78 (6) A practitioner or pharmacist who dispenses a  
79 controlled substance under this act must submit the information  
80 required by this act in an electronic or other format approved  
81 by regulation of Broward County. The cost to the dispenser in  
82 submitting the information required by this act may not be  
83 material or extraordinary. Costs not considered to be material  
84 or extraordinary include, but are not limited to, regular

HB 1347

2008

85 postage, compact discs, zip-drive storage, regular electronic  
86 mail, magnetic tapes, diskettes, and facsimile charges. The  
87 information submitted to Broward County under this section may  
88 be transmitted to any person or agency authorized to receive it  
89 pursuant to section 119.07, Florida Statutes, and that person or  
90 agency may maintain the information received for up to 24 months  
91 before purging the information from its records. All  
92 transmissions required by this act must comply with relevant  
93 privacy and security laws of state and federal government.  
94 However, any authorized agency receiving such information may  
95 maintain it for longer than 24 months if the information is  
96 pertinent to an ongoing investigation or prosecution.

97 (7) Any person who knowingly fails to report the  
98 dispensing of a controlled substance listed in Schedule II,  
99 Schedule III, or Schedule IV of section 893.03, Florida  
100 Statutes, as required by this act, commits a criminal offense  
101 and misdemeanor of the first degree within the meaning of  
102 section 775.08, Florida Statutes, and shall be punishable as  
103 provided by general law in section 775.082 or section 775.083,  
104 Florida Statutes.

105 (8) All costs incurred by Broward County in administering  
106 the prescription monitoring system shall be borne by Broward  
107 County either through federal or private grants or from donated  
108 private funds. The Department of Health and Broward County will  
109 cooperate in seeking grant funds at no cost to Broward County.

110 Section 2. Section 1 of this act shall take effect only  
111 upon:

HB 1347

2008

112       (1) The adoption of a resolution by the Broward County  
113 Board of County Commissioners determining that sufficient  
114 federal grants and private donations have been received by  
115 Broward County to fully fund this program; and

116       (2) The enactment of a general law by the Legislature, as  
117 provided in Article I, Section 24(c) of the State Constitution,  
118 exempting from public records requirements information produced  
119 through electronic monitoring systems for prescription of  
120 controlled substances sufficient to preserve the privacy and  
121 security of information required in section 1 of this act.

122       Section 3. This act shall take effect upon becoming a law.