

1                   A bill to be entitled  
 2           An act relating to pharmacy; amending s. 465.015, F.S.;  
 3           prohibiting the ownership, operation, maintenance,  
 4           opening, establishment, conduct, or having charge of a  
 5           pharmacy at locations within a specified radius of certain  
 6           pain-management clinics; providing penalties; amending s.  
 7           465.0276, F.S.; prohibiting dispensing practitioners who  
 8           own, operate, or are employed by certain pain-management  
 9           clinics from dispensing at certain locations specified  
 10          controlled substances prescribed for patients at such  
 11          clinics; providing penalties; providing an effective date.

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

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 15           Section 1. Paragraph (c) is added to subsection (1) of  
 16           section 465.015, Florida Statutes, to read:

17           465.015 Violations and penalties.—

18           (1) It is unlawful for any person to own, operate,  
 19           maintain, open, establish, conduct, or have charge of, either  
 20           alone or with another person or persons, a pharmacy:

21           (c) Which is located within a 10-mile radius of a clinic  
 22           registered under s. 458.3265 or s. 459.0137 that such person  
 23           owns, operates, maintains, opens, establishes, conducts, or has  
 24           charge of, either alone or with another person or persons.

25           (4) Any person who violates any provision of subsection  
 26           (1) or subsection (3) commits a misdemeanor of the first degree,  
 27           punishable as provided in s. 775.082 or s. 775.083. Any person  
 28           who violates any provision of subsection (2) commits a felony of

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29 the third degree, punishable as provided in s. 775.082, s.  
30 775.083, or s. 775.084. In any warrant, information, or  
31 indictment, it shall not be necessary to negative any  
32 exceptions, and the burden of any exception shall be upon the  
33 defendant.

34 Section 2. Subsection (1) of section 465.0276, Florida  
35 Statutes, is amended to read:

36 465.0276 Dispensing practitioner.—

37 (1) (a) A person may not dispense medicinal drugs unless  
38 licensed as a pharmacist or otherwise authorized under this  
39 chapter to do so, except that a practitioner authorized by law  
40 to prescribe drugs may dispense such drugs to her or his  
41 patients in the regular course of her or his practice in  
42 compliance with this section.

43 (b) 1. A practitioner registered under this section may not  
44 dispense more than a 72-hour supply of a controlled substance  
45 listed in Schedule II, Schedule III, Schedule IV, or Schedule V  
46 of s. 893.03 for any patient who pays for the medication by  
47 cash, check, or credit card in a clinic registered under s.  
48 458.3265 or s. 459.0137.

49 2. A practitioner registered under this section who owns,  
50 operates, or is employed by a clinic registered under s.  
51 458.3265 or s. 459.0137 may not, at any location within a 10-  
52 mile radius of the clinic, dispense a controlled substance  
53 listed in Schedule II, Schedule III, Schedule IV, or Schedule V  
54 of s. 893.03 which is prescribed for any patient at the clinic.

55 (c) A practitioner who violates ~~this~~ paragraph (b) commits  
56 a felony of the third degree, punishable as provided in s.

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57 775.082, s. 775.083, or s. 775.084. Paragraph (b) and this  
58 paragraph do ~~does~~ not apply to:

59 1. A practitioner who dispenses medication to a workers'  
60 compensation patient pursuant to chapter 440.

61 2. a practitioner who dispenses medication to an insured  
62 patient who pays by cash, check, or credit card to cover any  
63 applicable copayment or deductible.

64 3. the dispensing of complimentary packages of medicinal  
65 drugs to the practitioner's own patients in the regular course  
66 of her or his practice without the payment of a fee or  
67 remuneration of any kind, whether direct or indirect, as  
68 provided in subsection (5).

69 Section 3. This act shall take effect July 1, 2011.