

By the Committees on Health Policy; and Criminal Justice; and
Senator Latvala

588-02842-14

20141208c2

1 A bill to be entitled
2 An act relating to fraudulent controlled substance
3 prescriptions; amending s. 893.13, F.S.; revising
4 provisions prohibiting possession of incomplete
5 prescription forms; providing enhanced criminal
6 penalties for violations involving incomplete
7 prescription forms; providing an effective date.

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

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11 Section 1. Paragraphs (a), (c), and (d) of subsection (7)
12 of section 893.13, Florida Statutes, are amended to read:

13 893.13 Prohibited acts; penalties.—

14 (7) (a) A person may not:

15 1. Distribute or dispense a controlled substance in
16 violation of this chapter.

17 2. Refuse or fail to make, keep, or furnish any record,
18 notification, order form, statement, invoice, or information
19 required under this chapter.

20 3. Refuse entry into any premises for any inspection or
21 refuse to allow any inspection authorized by this chapter.

22 4. Distribute a controlled substance named or described in
23 s. 893.03(1) or (2) except pursuant to an order form as required
24 by s. 893.06.

25 5. Keep or maintain any store, shop, warehouse, dwelling,
26 building, vehicle, boat, aircraft, or other structure or place
27 which is resorted to by persons using controlled substances in
28 violation of this chapter for the purpose of using these
29 substances, or which is used for keeping or selling them in

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30 violation of this chapter.

31 6. Use to his or her own personal advantage, or reveal, any
32 information obtained in enforcement of this chapter except in a
33 prosecution or administrative hearing for a violation of this
34 chapter.

35 7. Possess a prescription form which has not been completed
36 and signed by the practitioner whose name appears printed
37 thereon. This subparagraph does not apply if, ~~unless~~ the person
38 in possession of the form is that practitioner, is an agent or
39 employee of that practitioner, is a pharmacist, or is a supplier
40 of prescription forms who is authorized by that practitioner to
41 possess those forms.

42 8. Withhold information from a practitioner from whom the
43 person seeks to obtain a controlled substance or a prescription
44 for a controlled substance that the person making the request
45 has received a controlled substance or a prescription for a
46 controlled substance of like therapeutic use from another
47 practitioner within the previous 30 days.

48 9. Acquire or obtain, or attempt to acquire or obtain,
49 possession of a controlled substance by misrepresentation,
50 fraud, forgery, deception, or subterfuge.

51 10. Affix any false or forged label to a package or
52 receptacle containing a controlled substance.

53 11. Furnish false or fraudulent material information in, or
54 omit any material information from, any report or other document
55 required to be kept or filed under this chapter or any record
56 required to be kept by this chapter.

57 12. Store anhydrous ammonia in a container that is not
58 approved by the United States Department of Transportation to

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59 hold anhydrous ammonia or is not constructed in accordance with
60 sound engineering, agricultural, or commercial practices.

61 13. With the intent to obtain a controlled substance or
62 combination of controlled substances that are not medically
63 necessary for the person or an amount of a controlled substance
64 or substances that is not medically necessary for the person,
65 obtain or attempt to obtain from a practitioner a controlled
66 substance or a prescription for a controlled substance by
67 misrepresentation, fraud, forgery, deception, subterfuge, or
68 concealment of a material fact. For purposes of this
69 subparagraph, a material fact includes whether the person has an
70 existing prescription for a controlled substance issued for the
71 same period of time by another practitioner or as described in
72 subparagraph 8.

73 (c) A ~~Any~~ person who violates ~~the provisions of~~
74 subparagraphs (a)1.-6. ~~(a)1.-7.~~ commits a misdemeanor of the
75 first degree, punishable as provided in s. 775.082 or s.
76 775.083, ~~+~~ except that, upon a second or subsequent violation,
77 the person commits a felony of the third degree, punishable as
78 provided in s. 775.082, s. 775.083, or s. 775.084.

79 (d) A ~~Any~~ person who violates ~~the provisions of~~
80 subparagraphs (a)7.-12. ~~(a)8.-12.~~ commits a felony of the third
81 degree, punishable as provided in s. 775.082, s. 775.083, or s.
82 775.084.

83 Section 2. This act shall take effect October 1, 2014.