

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Health Policy

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BILL: SB 1378

INTRODUCER: Senator Garcia

SUBJECT: Drug Safety

DATE: January 28, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	<b>Pre-meeting</b>
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

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**I. Summary:**

SB 1378 amends Florida’s Prescription Drug Monitoring Program (PDMP) to require pharmacies to offer for sale prescription lock boxes and display a sign indicating the boxes are available there. The bill requires the Department of Health (DOH) to develop and distribute state wide and on the web a pamphlet containing specific information; and requires pharmacists to distribute it at no cost.

**II. Present Situation:**

Section 893.055, F.S, creates the PDMP within DOH and requires DOH to design and establish a comprehensive electronic database system to collect controlled substance prescription dispensing information, while not infringing upon the legitimate prescribing or dispensing of controlled substances by a prescriber or dispenser acting in good faith and in the course of professional practice.

The 2014-2015 DOH Prescription Drug Monitoring Report<sup>1</sup> shows that Florida experienced a steady rise in oxycodone-caused death rates from 2005 to a peak in 2010. In 2014, the rate decreased to the lowest since 2006. Recent declines in overdose deaths may be attributed to safer, more effective pain management, changes in state regulatory policies, and promotion of the use of the information maintained in the PDMP.<sup>2</sup> “While Florida has been viewed as the epicenter of the nation’s ‘pill mill’ epidemic, new statistics reflect that the efforts of the Drug Enforcement Administration (DEA) and its federal, state, and local law enforcement partners

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<sup>1</sup> Florida Dep’t of Health, *2014-2015 Prescription Drug Monitoring Program Annual Report* (December 1, 2015), p. 7, available at [http://www.floridahealth.gov/statistics-and-data/e-forcse/news-reports/\\_documents/2015-pdmp-annual-report.pdf](http://www.floridahealth.gov/statistics-and-data/e-forcse/news-reports/_documents/2015-pdmp-annual-report.pdf), (last visited Jan. 28, 2016).

<sup>2</sup> Centers for Disease Control and Prevention. *Injury Prevention & Control: Prescription Drug Overdose*, available at: <http://www.cdc.gov/drugoverdose/index.html>, (last visited Jan. 28, 2016).

have made a significant difference in Florida.”<sup>3</sup> The PDMP, in combination with changes in regulation, has proven effective at reducing opioid use.<sup>4</sup>

In 2010, Massachusetts became the first state to require pharmacies to carry prescription lock boxes and make available pamphlets on prescription drug abuse when it passed Chapter 283 of the Acts of 2010, adding *Safeguards to the Prescription Monitoring Program and furthering Substance Abuse Education and Prevention*. The act requires all pharmacies in Massachusetts that dispense Schedule II, III, IV, or V prescription drugs to make available lock boxes for sale at each location.<sup>5</sup>

Florida currently does not have any requirement that pharmacies carry prescription lock boxes or make available literature on prescription drug abuse.

### III. Effect of Proposed Changes:

SB 1378 amends s. 893.055, F.S., Florida’s PDMP, to require pharmacies to offer for sale prescription lock boxes. The bill defines “prescription lock boxes” to mean, “a box or a bag with a locking mechanism that cannot be tampered with or opened without the application of extreme force.” The bill requires pharmacies to display a sign on or near the pharmacy counter stating, “Prescription Lock Boxes for Securing Your Prescription Medications Are Available at This Pharmacy.”

The bill requires the DOH to develop and distribute a written pamphlet which must contain educational information about the following:

- Precautions regarding the use of pain management prescriptions;
- The potential for misuse and abuse of controlled substances by adults and children;
- The risk of controlled substance dependency and addiction;
- The proper storage and disposal of controlled substances;
- Controlled substance addiction support and treatment resources; and
- Telephone helplines and website links that provide counseling and emergency assistance for individuals dealing with substance abuse.

The DOH must distribute copies of the pamphlet to pharmacies throughout the state and make the contents of the pamphlet available in electronic form on its website. Pharmacists must distribute this pamphlet to consumers when dispensing a prescription or controlled substance; and must offer them to consumers in a display. Pharmacies may not charge for the pamphlets.

The bill has an effective date of July 1, 2016.

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<sup>3</sup> Id. at p. 9.

<sup>4</sup> Rutkow, L., et al., *Effect of Florida’s Prescription Drug Monitoring Program and Pill Mill Laws on Opioid Prescribing and Use*, JAMA Intern Med., 2015:175(10):1642-1649, available at <http://archinte.jamanetwork.com/article.aspx?articleid=2429105>, (last visited Jan. 28, 2016).

<sup>5</sup> See Chapter 283, Section 11, Laws of Mass., 2010. *Safeguards to the Prescription Monitoring Program and furthering Substance Abuse Education and Prevention*, available at: <https://malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter283>, (last visited Jan. 28, 2016).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill requires pharmacies to stock prescription lock boxes, increasing their inventory costs; requires the pharmacist, not an employee of the pharmacy, to distribute the pamphlet to a consumer each time any prescription is dispensed, thereby increasing the pharmacist's workload, and requires additional employee man hours to stock the boxes, and displaying and distribute the DOH pamphlets.

## C. Government Sector Impact:

The bill creates an undetermined, but probably significant, recurring expense to the DOH to develop, print and distribute the required pamphlet throughout the state and on its website.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 893.055 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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