

By Senator Ring

29-01260-16

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1                   A bill to be entitled  
2           An act relating to prescription medication; amending  
3           s. 456.42, F.S.; revising requirements for a written  
4           prescription for a medicinal drug issued by a licensed  
5           health care practitioner to include notification of  
6           the medical condition for which the drug is  
7           prescribed; amending s. 465.0276, F.S.; revising  
8           requirements for the dispensing of complimentary  
9           packages of medicinal drugs by a licensed health care  
10          practitioner to his or her patient to include  
11          notification of the medical condition for which the  
12          drug is prescribed; amending s. 465.186, F.S.;  
13          revising requirements for the ordering and dispensing  
14          of medicinal drugs by a licensed pharmacist to include  
15          notification of the medical condition for which the  
16          drug is prescribed; amending s. 893.04, F.S.; revising  
17          requirements for the dispensing of a controlled  
18          substance by a licensed pharmacist to include  
19          notification of the medical condition for which the  
20          controlled substance is prescribed; amending s.  
21          893.05, F.S.; revising requirements for the dispensing  
22          of a controlled substance by a practitioner to include  
23          notification of the medical condition for which the  
24          controlled substance is prescribed; providing an  
25          effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

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29           Section 1. Subsection (1) of section 456.42, Florida  
30 Statutes, is amended to read:

31           456.42 Written prescriptions for medicinal drugs.—

32           (1) A written prescription for a medicinal drug issued by a

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33 health care practitioner licensed by law to prescribe such drug  
34 must be legibly printed or typed so as to be capable of being  
35 understood by the pharmacist filling the prescription; must  
36 contain the name of the prescribing practitioner, the name and  
37 strength of the drug prescribed, the quantity of the drug  
38 prescribed, ~~and~~ the directions for use of the drug, and the  
39 medical condition for which the drug is prescribed; must be  
40 dated; and must be signed by the prescribing practitioner on the  
41 day when issued. However, a prescription that is electronically  
42 generated and transmitted must contain the name of the  
43 prescribing practitioner, the name and strength of the drug  
44 prescribed, the quantity of the drug prescribed in numerical  
45 format, ~~and~~ the directions for use of the drug, and the medical  
46 condition for which the drug is prescribed and must be dated and  
47 signed by the prescribing practitioner only on the day issued,  
48 which signature may be in an electronic format as defined in s.  
49 668.003(4).

50 Section 2. Subsection (5) of section 465.0276, Florida  
51 Statutes, is amended to read:

52 465.0276 Dispensing practitioner.—

53 (5) A practitioner who confines her or his activities to  
54 the dispensing of complimentary packages of medicinal drugs to  
55 the practitioner's own patients in the regular course of her or  
56 his practice, without the payment of fee or remuneration of any  
57 kind, whether direct or indirect, and who herself or himself  
58 dispenses such drugs is not required to register pursuant to  
59 this section. The practitioner must dispense such drugs in the  
60 manufacturer's labeled package with the practitioner's name,  
61 patient's name, ~~and~~ date dispensed, and the medical condition

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62 for which the drug is prescribed written on the package, or, if  
63 such drugs are not dispensed in the manufacturer's labeled  
64 package, they must be dispensed in a container which bears the  
65 following information:

- 66 (a) Practitioner's name;  
67 (b) Patient's name;  
68 (c) Date dispensed;  
69 (d) Name and strength of drug; ~~and~~  
70 (e) Directions for use; and-  
71 (f) The medical condition for which the drug is prescribed.

72 Section 3. Present paragraph (g) of subsection (3) of  
73 section 465.186, Florida Statutes, is redesignated as paragraph  
74 (h) and a new paragraph (g) is added to that subsection, to  
75 read:

76 465.186 Pharmacist's order for medicinal drugs; dispensing  
77 procedure; development of formulary.-

78 (3) Affixed to the container containing a medicinal drug  
79 dispensed pursuant to this section shall be a label bearing the  
80 following information:

- 81 (g) The medical condition for which the drug is prescribed.

82 Section 4. Paragraphs (c) and (e) of subsection (1) of  
83 section 893.04, Florida Statutes, are amended to read:

84 893.04 Pharmacist and practitioner.-

85 (1) A pharmacist, in good faith and in the course of  
86 professional practice only, may dispense controlled substances  
87 upon a written or oral prescription of a practitioner, under the  
88 following conditions:

- 89 (c) There shall appear on the face of the prescription or  
90 written record thereof for the controlled substance the

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91 following information:

92 1. The full name and address of the person for whom, or the  
93 owner of the animal for which, the controlled substance is  
94 dispensed.

95 2. The full name and address of the prescribing  
96 practitioner and the practitioner's federal controlled substance  
97 registry number shall be printed thereon.

98 3. If the prescription is for an animal, the species of  
99 animal for which the controlled substance is prescribed.

100 4. The name of the controlled substance prescribed and the  
101 strength, quantity, and directions for use thereof.

102 5. The medical condition for which the controlled substance  
103 is prescribed.

104 ~~6.5.~~ The number of the prescription, as recorded in the  
105 prescription files of the pharmacy in which it is filled.

106 ~~7.6.~~ The initials of the pharmacist filling the  
107 prescription and the date filled.

108 (e) Affixed to the original container in which a controlled  
109 substance is delivered upon a prescription or authorized refill  
110 thereof, as hereinafter provided, there shall be a label bearing  
111 the following information:

112 1. The name and address of the pharmacy from which such  
113 controlled substance was dispensed.

114 2. The date on which the prescription for such controlled  
115 substance was filled.

116 3. The number of such prescription, as recorded in the  
117 prescription files of the pharmacy in which it is filled.

118 4. The name of the prescribing practitioner.

119 5. The name of the patient for whom, or of the owner and

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120 species of the animal for which, the controlled substance is  
121 prescribed.

122 6. The directions for the use of the controlled substance  
123 prescribed in the prescription.

124 7. The medical condition for which the controlled substance  
125 is prescribed.

126 8.7. A clear, concise warning that it is a crime to  
127 transfer the controlled substance to any person other than the  
128 patient for whom prescribed.

129 Section 5. Subsection (2) of section 893.05, Florida  
130 Statutes, is amended to read:

131 893.05 Practitioners and persons administering controlled  
132 substances in their absence.—

133 (2) When any controlled substance is dispensed by a  
134 practitioner, there shall be affixed to the original container  
135 in which the controlled substance is delivered a label on which  
136 appears:

137 (a) The date of delivery.

138 (b) The directions for use of such controlled substance.

139 (c) The medical condition for which the controlled  
140 substance is prescribed.

141 (d)~~(e)~~ The name and address of such practitioner.

142 (e)~~(d)~~ The name of the patient and, if such controlled  
143 substance is prescribed for an animal, a statement describing  
144 the species of the animal.

145 (f)~~(e)~~ A clear, concise warning that it is a crime to  
146 transfer the controlled substance to any person other than the  
147 patient for whom prescribed.

148 Section 6. This act shall take effect July 1, 2016.