

By Senator Rouson

19-01495-19

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1 A bill to be entitled
2 An act relating to controlled substance prescribing;
3 amending s. 456.44, F.S.; revising the definition of
4 the term "acute pain" to exclude pain related to
5 sickle-cell anemia; excluding the treatment of such
6 pain from limitations on the prescription of an opioid
7 drug; 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. Paragraph (a) of subsection (1) of section
12 456.44, Florida Statutes, is amended, and subsection (5) of that
13 section is republished, to read:

14 456.44 Controlled substance prescribing.—

15 (1) DEFINITIONS.—As used in this section, the term:

16 (a) "Acute pain" means the normal, predicted,
17 physiological, and time-limited response to an adverse chemical,
18 thermal, or mechanical stimulus associated with surgery, trauma,
19 or acute illness. The term does not include pain related to:

20 1. Cancer.

21 2. A terminal condition. For purposes of this subparagraph,
22 the term "terminal condition" means a progressive disease or
23 medical or surgical condition that causes significant functional
24 impairment, is not considered by a treating physician to be
25 reversible without the administration of life-sustaining
26 procedures, and will result in death within 1 year after
27 diagnosis if the condition runs its normal course.

28 3. Palliative care to provide relief of symptoms related to
29 an incurable, progressive illness or injury.

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30 4. A traumatic injury with an Injury Severity Score of 9 or
31 greater.

32 5. Sickle-cell anemia.

33 (5) PRESCRIPTION SUPPLY.—

34 (a) For the treatment of acute pain, a prescription for an
35 opioid drug listed as a Schedule II controlled substance in s.
36 893.03 or 21 U.S.C. s. 812 may not exceed a 3-day supply, except
37 that up to a 7-day supply may be prescribed if:

38 1. The prescriber, in his or her professional judgment,
39 believes that more than a 3-day supply of such an opioid is
40 medically necessary to treat the patient's pain as an acute
41 medical condition;

42 2. The prescriber indicates "ACUTE PAIN EXCEPTION" on the
43 prescription; and

44 3. The prescriber adequately documents in the patient's
45 medical records the acute medical condition and lack of
46 alternative treatment options that justify deviation from the 3-
47 day supply limit established in this subsection.

48 (b) For the treatment of pain other than acute pain, a
49 prescriber must indicate "NONACUTE PAIN" on a prescription for
50 an opioid drug listed as a Schedule II controlled substance in
51 s. 893.03 or 21 U.S.C. s. 812.

52 Section 2. This act shall take effect July 1, 2019.