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576-02778-19

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to the prescription drug monitoring program; amending s. 893.055, F.S.; expanding the exceptions to a requirement that a prescriber or dispenser must consult the program to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient of a certain age; providing an effective date.

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

Section 1. Subsection (8) of section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

(8) A prescriber or dispenser or a designee of a prescriber or dispenser must consult the system to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient age 16 or older. This requirement does not apply when prescribing or dispensing a controlled substance to a patient for the alleviation of pain related to a terminal condition, as defined in s. 456.44(1)(a)2., or when prescribing or dispensing a nonopioid controlled substance listed in Schedule V of s. 893.03 or 21 U.S.C. 812. For purposes of this subsection, a "nonopioid controlled substance" is a controlled substance that does not contain any amount of a substance listed as an opioid in s.



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28 893.03 or 21 U.S.C. 812.

29 (a) The duty to consult the system does not apply when the
30 system:

31 1. Is determined by the department to be nonoperational; or

32 2. Cannot be accessed by the prescriber or dispenser or a
33 designee of the prescriber or dispenser because of a temporary
34 technological or electrical failure.

35 (b) A prescriber or dispenser or designee of a prescriber
36 or dispenser who does not consult the system under this
37 subsection shall document the reason he or she did not consult
38 the system in the patient's medical record or prescription
39 record and shall not prescribe or dispense greater than a 3-day
40 supply of a controlled substance to the patient.

41 (c) The department shall issue a nondisciplinary citation
42 to any prescriber or dispenser who fails to consult the system
43 as required by this subsection for an initial offense. Each
44 subsequent offense is subject to disciplinary action pursuant to
45 s. 456.073.

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