Bill No. <u>CS for SB 1180</u>

Barcode 892944

	CHAMBER ACTION <u>Senate</u> <u>House</u>
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11	Senator Peaden moved the following amendment:
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13	Senate Amendment (with title amendment)
14	On page 4, between lines 6 and 7,
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16	insert:
17	(11) Notwithstanding any law to the contrary, the
18	department and the board may not use any violation or alleged
19	violation of chapter 499, or any rules adopted under that
20	chapter, as a basis for disciplinary action against a
21	practitioner licensed under this chapter.
22	(12) Notwithstanding any law to the contrary, a
23	practitioner licensed under this chapter has as a defense to
24	any alleged violation of chapter 499 that the practitioner
25	relied in good faith on the representations made to the
26	practitioner by a drug manufacturer or its representatives and
27	that the practitioner had no intent to violate the law.
28	(13) If the department learns that a drug, as defined
29	under s. 499.003(17), which has not been approved by the
30	United States Food and Drug Administration for human use, has
31	been sold to identified health care providers in this state
	9:09 AM 05/02/05 s1180clc-02-k9j

Florida Senate - 2005

SENATOR AMENDMENT

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1 and licensed under this chapter, the department shall immediately notify the providers by certified mail of the 2 status of the drug as an unapproved product. The department 3 4 shall also post the information on its website to advise other 5 providers and consumers of the unapproved status of the drug. б 7 8 9 And the title is amended as follows: 10 On page 1, line 10, after the semicolon, 11 12 insert: 13 providing that the board may not use certain specified violations as a basis for 14 15 disciplinary action; providing that a 16 practitioner licensed in chapter 458, F.S., may use as a defense to a violation of chapter 499, 17 F.S., that the practitioner relied in good 18 faith on the representations made to the 19 practitioner by a drug manufacturer and that 20 21 the practitioner had no intent to violate the 22 law; requiring the Department of Health to notify health care providers if the department 23 2.4 learns that a drug that has not been approved by the United States Food and Drug 25 Administration for human use has been sold to 26 identified health care providers in this state; 27 28 t: 29 30 31 2