

A bill to be entitled

An act relating to controlled substances; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances; providing penalties; amending s. 893.04, F.S.; authorizing electronic recording of oral prescriptions for a controlled substance; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; creating s. 893.065, F.S.; requiring the Department of Health to develop and adopt by rule the form and content for a counterfeit-resistant prescription blank for voluntary use by practitioners to prescribe a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing contingent applicability of penalties; requiring reports of law enforcement agencies and medical examiners to include specified information if a person dies of an apparent overdose of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing an effective date.

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

Section 1. Section 831.311, Florida Statutes, is created to read:

831.311 Violations involving certain prescription blanks for controlled substances in Schedules II-IV.--

HB 913

2006

29 (1) It is unlawful for any person with the intent to
 30 injure or defraud any person or to facilitate any violation of
 31 s. 893.13 to sell, manufacture, alter, deliver, utter, or
 32 possess any counterfeit-resistant prescription blank for
 33 controlled substances as provided in s. 893.065.

34 (2) Any person who violates this section commits a felony
 35 of the third degree, punishable as provided in s. 775.082, s.
 36 775.083, or s. 775.084.

37 Section 2. Section 893.04, Florida Statutes, is amended to
 38 read:

39 893.04 Pharmacist and practitioner.--

40 (1) A pharmacist, in good faith and in the course of
 41 professional practice only, may dispense controlled substances
 42 upon a written or oral prescription of a practitioner, under the
 43 following conditions:

44 (a) Oral prescriptions must be promptly reduced to writing
 45 or recorded electronically by the pharmacist.

46 (b) The written prescription must be dated and signed by
 47 the prescribing practitioner on the day when issued.

48 (c) There shall appear on the face of the prescription or
 49 written record thereof for the controlled substance the
 50 following information:

51 1. The full name and address of the person for whom, or
 52 the owner of the animal for which, the controlled substance is
 53 dispensed.

54 2. The full name and address of the prescribing
 55 practitioner and the practitioner's federal controlled substance
 56 registry number shall be printed thereon.

HB 913

2006

57 | 3. If the prescription is for an animal, the species of
58 | animal for which the controlled substance is prescribed.

59 | 4. The name of the controlled substance prescribed and the
60 | strength, quantity, and directions for use thereof.

61 | 5. The number of the prescription, as recorded in the
62 | prescription files of the pharmacy in which it is filled.

63 | 6. The initials of the pharmacist filling the prescription
64 | and the date filled.

65 | (d) The prescription shall be retained on file by the
66 | proprietor of the pharmacy in which it is filled for a period of
67 | 2 years.

68 | (e) Affixed to the original container in which a
69 | controlled substance is delivered upon a prescription or
70 | authorized refill thereof, as hereinafter provided, there shall
71 | be a label bearing the following information:

72 | 1. The name and address of the pharmacy from which such
73 | controlled substance was dispensed.

74 | 2. The date on which the prescription for such controlled
75 | substance was filled.

76 | 3. The number of such prescription, as recorded in the
77 | prescription files of the pharmacy in which it is filled.

78 | 4. The name of the prescribing practitioner.

79 | 5. The name of the patient for whom, or of the owner and
80 | species of the animal for which, the controlled substance is
81 | prescribed.

82 | 6. The directions for the use of the controlled substance
83 | prescribed in the prescription.

84 | 7. A clear, concise warning that it is a crime to transfer

85 the controlled substance to any person other than the patient
 86 for whom prescribed.

87 (f) A prescription for a controlled substance listed in
 88 Schedule II may be dispensed only upon a written prescription of
 89 a practitioner, except that in an emergency situation, as
 90 defined by regulation of the Department of Health, such
 91 controlled substance may be dispensed upon oral prescription but
 92 is limited to a 72-hour supply. No prescription for a controlled
 93 substance listed in Schedule II may be refilled.

94 (g) No prescription for a controlled substance listed in
 95 Schedule ~~Schedules~~ III, Schedule IV, or Schedule V may be filled
 96 or refilled more than five times within a period of 6 months
 97 after the date on which the prescription was written unless the
 98 prescription is renewed by a practitioner.

99 (2) (a) A pharmacist may not dispense a controlled
 100 substance listed in Schedule II, Schedule III, or Schedule IV to
 101 any patient or patient's agent without first determining, in the
 102 exercise of her or his professional judgment, that the order is
 103 valid. The pharmacist may dispense the controlled substance, in
 104 the exercise of her or his professional judgment, when the
 105 pharmacist or pharmacist's agent has obtained satisfactory
 106 patient information from the patient or the patient's agent.

107 (b) Any pharmacist who dispenses by mail a controlled
 108 substance listed in Schedule II, Schedule III, or Schedule IV
 109 shall be exempt from the requirement to obtain suitable
 110 identification for the prescription dispensed by mail.

111 (c) Any controlled substance listed in Schedule III or
 112 Schedule IV may be dispensed by a pharmacist upon an oral

HB 913

2006

113 prescription if, before filling the prescription, the pharmacist
114 reduces the prescription to writing or records it
115 electronically. Such prescriptions must contain the date of the
116 oral authorization.

117 (d) Each written prescription from a practitioner in this
118 state for a controlled substance listed in Schedule II, Schedule
119 III, or Schedule IV must include both a written and a numerical
120 notation of the quantity on the face of the prescription and a
121 notation of the date with the abbreviated month written out on
122 the face of the prescription. A pharmacist may, upon
123 verification by the prescriber, document any information
124 required by this paragraph.

125 (e) A pharmacist may not dispense more than a 30-day
126 supply of a controlled substance listed in Schedule III upon an
127 oral prescription issued in this state.

128 (f) A pharmacist may not knowingly fill a prescription
129 that has been forged for a controlled substance listed in
130 Schedule II, Schedule III, or Schedule IV.

131 (3)-(2) Notwithstanding the provisions of subsection (1), a
132 pharmacist may dispense a one-time emergency refill of up to a
133 72-hour supply of the prescribed medication for any medicinal
134 drug other than a medicinal drug listed in Schedule II, in
135 compliance with the provisions of s. 465.0275.

136 (4)-(3) The legal owner of any stock of controlled
137 substances in a pharmacy, upon discontinuance of dealing in
138 controlled substances, may sell said stock to a manufacturer,
139 wholesaler, or pharmacy. Such controlled substances may be sold
140 only upon an order form, when such an order form is required for

HB 913

2006

141 sale by the drug abuse laws of the United States or this state,
 142 or regulations pursuant thereto.

143 Section 3. Section 893.065, Florida Statutes, is created
 144 to read:

145 893.065 Counterfeit-resistant prescription blanks for
 146 controlled substances listed in Schedules II-IV.--The Department
 147 of Health shall develop and adopt by rule the form and content
 148 for a counterfeit-resistant prescription blank that may be used
 149 by practitioners to prescribe a controlled substance listed in
 150 Schedule II, Schedule III, or Schedule IV. The Department of
 151 Health may require the prescription blanks to be printed on
 152 distinctive, watermarked paper and to bear the preprinted name,
 153 address, and category of professional licensure of the
 154 practitioner and that practitioner's federal registry number for
 155 controlled substances. The prescription blanks may not be
 156 transferred.

157 Section 4. The penalties created in s. 831.311(2), Florida
 158 Statutes, by this act shall be effective only upon the adoption
 159 of the rules required pursuant to s. 893.065, Florida Statutes,
 160 as created by this act.

161 Section 5. If a person dies of an apparent drug overdose:

162 (1) A law enforcement agency shall prepare a report
 163 identifying each prescribed controlled substance listed in
 164 Schedule II, Schedule III, or Schedule IV of s. 893.03, Florida
 165 Statutes, that is found on or near the deceased or among the
 166 deceased's possessions. The report must identify the person who
 167 prescribed the controlled substance, if known or ascertainable.
 168 Thereafter, the law enforcement agency shall submit a copy of

HB 913

2006

169 the report to the medical examiner.

170 (2) A medical examiner who is preparing a report pursuant
171 to s. 406.11, Florida Statutes, shall include in the report
172 information identifying each prescribed controlled substance
173 listed in Schedule II, Schedule III, or Schedule IV of s.
174 893.03, Florida Statutes, that was found in, on, or near the
175 deceased or among the deceased's possessions.

176 Section 6. This act shall take effect July 1, 2006.