

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Flores offered the following:

Amendment (with title amendment)

Between lines 963 and 964, insert:

Section 24. Subsections (32) through (54) of section 499.003, Florida Statutes, are renumbered as subsections (33) through (55), respectively, present subsection (42) is amended, and a new subsection (32) is added to that section, to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(32) "Medical convenience kit" means a package or unit that contains combination products as described in 21 C.F.R. s. 3.2(e) (2).

~~(43)-(42)~~ "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active ingredients subject to, defined 049855

Amendment No.

17 by, or described by s. 503(b) of the Federal Food, Drug, and
18 Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection
19 (11), subsection (46) ~~(45)~~, or subsection (53) ~~(52)~~.

20 Section 25. Paragraph (a) of subsection (1) of section
21 409.9201, Florida Statutes, is amended to read:

22 409.9201 Medicaid fraud.—

23 (1) As used in this section, the term:

24 (a) "Prescription drug" means any drug, including, but not
25 limited to, finished dosage forms or active ingredients that are
26 subject to, defined by, or described by s. 503(b) of the Federal
27 Food, Drug, and Cosmetic Act or by s. 465.003(8), s.
28 499.003(45)~~(45)~~ or (53) ~~(52)~~, or s. 499.007(13).

29
30 The value of individual items of the legend drugs or goods or
31 services involved in distinct transactions committed during a
32 single scheme or course of conduct, whether involving a single
33 person or several persons, may be aggregated when determining
34 the punishment for the offense.

35 Section 26. Subsection (3) of section 465.0265, Florida
36 Statutes, is amended to read:

37 465.0265 Centralized prescription filling.—

38 (3) The filling, delivery, and return of a prescription by
39 one pharmacy for another pursuant to this section shall not be
40 construed as the filling of a transferred prescription as set
41 forth in s. 465.026 or as a wholesale distribution as set forth
42 in s. 499.003(54)~~(53)~~.

43 Section 27. Paragraph (d) of subsection (4) of section
44 499.0121, Florida Statutes, is amended to read:

049855

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Amendment No.

45 499.0121 Storage and handling of prescription drugs;
46 recordkeeping.—The department shall adopt rules to implement
47 this section as necessary to protect the public health, safety,
48 and welfare. Such rules shall include, but not be limited to,
49 requirements for the storage and handling of prescription drugs
50 and for the establishment and maintenance of prescription drug
51 distribution records.

52 (4) EXAMINATION OF MATERIALS AND RECORDS.—

53 (d) Upon receipt, a wholesale distributor must review
54 records required under this section for the acquisition of
55 prescription drugs for accuracy and completeness, considering
56 the total facts and circumstances surrounding the transactions
57 and the wholesale distributors involved. This includes
58 authenticating each transaction listed on a pedigree paper, as
59 defined in s. 499.003 (37) ~~(36)~~.

60 Section 28. Paragraphs (a) and (b) of subsection (2) of
61 section 499.01211, Florida Statutes, are amended to read:

62 499.01211 Drug Wholesale Distributor Advisory Council.—

63 (2) The State Surgeon General, or his or her designee, and
64 the Secretary of Health Care Administration, or her or his
65 designee, shall be members of the council. The State Surgeon
66 General shall appoint nine additional members to the council who
67 shall be appointed to a term of 4 years each, as follows:

68 (a) Three different persons each of whom is employed by a
69 different prescription drug wholesale distributor licensed under
70 this part which operates nationally and is a primary wholesale
71 distributor, as defined in s. 499.003 (47) ~~(46)~~.

049855

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Amendment No.

72 (b) One person employed by a prescription drug wholesale
73 distributor licensed under this part which is a secondary
74 wholesale distributor, as defined in s. 499.003 (52) ~~(51)~~.

75 Section 29. Subsection (1) of section 499.03, Florida
76 Statutes, is amended to read:

77 499.03 Possession of certain drugs without prescriptions
78 unlawful; exemptions and exceptions.—

79 (1) A person may not possess, or possess with intent to
80 sell, dispense, or deliver, any habit-forming, toxic, harmful,
81 or new drug subject to s. 499.003 (33) ~~(32)~~, or prescription drug
82 as defined in s. 499.003 (43) ~~(42)~~, unless the possession of the
83 drug has been obtained by a valid prescription of a practitioner
84 licensed by law to prescribe the drug. However, this section
85 does not apply to the delivery of such drugs to persons included
86 in any of the classes named in this subsection, or to the agents
87 or employees of such persons, for use in the usual course of
88 their businesses or practices or in the performance of their
89 official duties, as the case may be; nor does this section apply
90 to the possession of such drugs by those persons or their agents
91 or employees for such use:

92 (a) A licensed pharmacist or any person under the licensed
93 pharmacist's supervision while acting within the scope of the
94 licensed pharmacist's practice;

95 (b) A licensed practitioner authorized by law to prescribe
96 prescription drugs or any person under the licensed
97 practitioner's supervision while acting within the scope of the
98 licensed practitioner's practice;

049855

Approved For Filing: 4/21/2010 1:41:33 PM

Amendment No.

99 (c) A qualified person who uses prescription drugs for
100 lawful research, teaching, or testing, and not for resale;

101 (d) A licensed hospital or other institution that procures
102 such drugs for lawful administration or dispensing by
103 practitioners;

104 (e) An officer or employee of a federal, state, or local
105 government; or

106 (f) A person that holds a valid permit issued by the
107 department pursuant to this part which authorizes that person to
108 possess prescription drugs.

109 Section 30. Paragraphs (i) and (m) of subsection (1) of
110 section 499.05, Florida Statutes, are amended to read:

111 499.05 Rules.—

112 (1) The department shall adopt rules to implement and
113 enforce this part with respect to:

114 (i) Additional conditions that qualify as an emergency
115 medical reason under s. 499.003(54)(~~53~~)(b)2.

116 (m) The recordkeeping, storage, and handling with respect
117 to each of the distributions of prescription drugs specified in
118 s. 499.003(54)(~~53~~)(a)-(d).

119 Section 31. Subsection (1) of section 794.075, Florida
120 Statutes, is amended to read:

121 794.075 Sexual predators; erectile dysfunction drugs.—

122 (1) A person may not possess a prescription drug, as
123 defined in s. 499.003(43)(~~42~~), for the purpose of treating
124 erectile dysfunction if the person is designated as a sexual
125 predator under s. 775.21.

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Amendment No.

T I T L E A M E N D M E N T

Remove line 125 and insert:

by practitioners licensed under ch. 466, F.S.; amending s.
499.003, F.S.; defining the term "medical convenience kit" for
purposes of the Florida Drug and Cosmetic Act; conforming cross-
references; amending ss. 409.9201, 465.0265, 499.0121,
499.01211, 499.03, 499.05, and 794.075, F.S.; conforming cross-
references; amending s.