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CS/HB 517

2014 Legislature

1
2 An act relating to fraudulent controlled substance
3 prescriptions; amending s. 893.13, F.S.; revising
4 provisions prohibiting possession of incomplete
5 prescription forms; providing enhanced criminal
6 penalties for violations involving incomplete
7 prescription forms; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraphs (a), (c), and (d) of subsection (7)
12 of section 893.13, Florida Statutes, are amended to read:

13 893.13 Prohibited acts; penalties.—

14 (7) (a) A person may not:

15 1. Distribute or dispense a controlled substance in
16 violation of this chapter.

17 2. Refuse or fail to make, keep, or furnish any record,
18 notification, order form, statement, invoice, or information
19 required under this chapter.

20 3. Refuse entry into any premises for any inspection or
21 refuse to allow any inspection authorized by this chapter.

22 4. Distribute a controlled substance named or described in
23 s. 893.03(1) or (2) except pursuant to an order form as required
24 by s. 893.06.

25 5. Keep or maintain any store, shop, warehouse, dwelling,
26 building, vehicle, boat, aircraft, or other structure or place

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27 | which is resorted to by persons using controlled substances in
28 | violation of this chapter for the purpose of using these
29 | substances, or which is used for keeping or selling them in
30 | violation of this chapter.

31 | 6. Use to his or her own personal advantage, or reveal,
32 | any information obtained in enforcement of this chapter except
33 | in a prosecution or administrative hearing for a violation of
34 | this chapter.

35 | 7. Possess a prescription form unless it ~~which~~ has ~~not~~
36 | been ~~completed and~~ signed by the practitioner whose name appears
37 | printed thereon and completed. This subparagraph does not apply
38 | if, unless the person in possession of the form is the ~~that~~
39 | practitioner whose name appears printed thereon, ~~is~~ an agent or
40 | employee of that practitioner, ~~is~~ a pharmacist, or ~~is~~ a supplier
41 | of prescription forms who is authorized by that practitioner to
42 | possess those forms.

43 | 8. Withhold information from a practitioner from whom the
44 | person seeks to obtain a controlled substance or a prescription
45 | for a controlled substance that the person making the request
46 | has received a controlled substance or a prescription for a
47 | controlled substance of like therapeutic use from another
48 | practitioner within the previous 30 days.

49 | 9. Acquire or obtain, or attempt to acquire or obtain,
50 | possession of a controlled substance by misrepresentation,
51 | fraud, forgery, deception, or subterfuge.

52 | 10. Affix any false or forged label to a package or

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53 receptacle containing a controlled substance.

54 11. Furnish false or fraudulent material information in,
55 or omit any material information from, any report or other
56 document required to be kept or filed under this chapter or any
57 record required to be kept by this chapter.

58 12. Store anhydrous ammonia in a container that is not
59 approved by the United States Department of Transportation to
60 hold anhydrous ammonia or is not constructed in accordance with
61 sound engineering, agricultural, or commercial practices.

62 13. With the intent to obtain a controlled substance or
63 combination of controlled substances that are not medically
64 necessary for the person or an amount of a controlled substance
65 or substances that is not medically necessary for the person,
66 obtain or attempt to obtain from a practitioner a controlled
67 substance or a prescription for a controlled substance by
68 misrepresentation, fraud, forgery, deception, subterfuge, or
69 concealment of a material fact. For purposes of this
70 subparagraph, a material fact includes whether the person has an
71 existing prescription for a controlled substance issued for the
72 same period of time by another practitioner or as described in
73 subparagraph 8.

74 (c) A ~~Any~~ person who violates ~~the provisions of~~
75 subparagraphs (a)1.-6. ~~(a)1.-7.~~ commits a misdemeanor of the
76 first degree, punishable as provided in s. 775.082 or s.
77 775.083, ~~+~~ except that, upon a second or subsequent violation,
78 the person commits a felony of the third degree, punishable as

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79 provided in s. 775.082, s. 775.083, or s. 775.084.

80 (d) A ~~Any~~ person who violates ~~the provisions of~~
81 subparagraphs (a)7.-12. ~~(a)8.-12.~~ commits a felony of the third
82 degree, punishable as provided in s. 775.082, s. 775.083, or s.
83 775.084.

84 Section 2. This act shall take effect October 1, 2014.