



Health Care Regulation Policy Committee

**Tuesday, March 16, 2010
10:15 AM - 12:00 PM
Morris Hall (17 HOB)**

ACTION PACKET

**Larry Cretul
Speaker**

**Nick Thompson
Chair**

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/16/2010 10:15:00AM

Location: Morris Hall (17 HOB)

Summary:

Health Care Regulation Policy Committee

Tuesday March 16, 2010 10:15 am

HB 591	Favorable With Committee Substitute	Yeas: 7	Nays: 5
HB 1071	Favorable With Committee Substitute	Yeas: 13	Nays: 0
CS/HB 1337	Favorable	Yeas: 11	Nays: 0

Committee meeting was reported out: Tuesday, March 16, 2010 3:28:32PM

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/16/2010 10:15:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Nicholas Thompson (Chair)			X
James Bush III	X		
Clay Ford	X		
Erik Fresen	X		
Mike Horner	X		
Matt Hudson	X		
Dorothy Hukill	X		
Peter Nehr	X		
Ari Porth	X		
William Proctor	X		
Michelle Rehwinkel Vasilinda	X		
Ronald Renuart	X		
Yolly Roberson	X		
Charles Van Zant	X		
Totals:	13	0	1

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COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/16/2010 10:15:00AM

Location: Morris Hall (17 HOB)

HB 591 : Health Insurance

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
James Bush III	X				
Clay Ford		X			
Erik Fresen		X			
Mike Horner		X			
Matt Hudson		X			
Dorothy Hukill			X		
Peter Nehr		X			
Ari Porth	X				
William Proctor	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Yolly Roberson	X				
Charles Van Zant	X				
Nicholas Thompson (Chair)			X		
Total Yeas: 7		Total Nays: 5			

Appearances:

Health Insurance

Rebecca Colon, D.O., AHF NorthPoint - Proponent
 AIDS Healthcare Foundation
 6405 N. Federal Highway #205
 Ft. Lauderdale FL 33309
 Phone: 954-772-2411

Health Insurance

Michael Garner, President & CEO (Lobbyist) - Proponent
 Florida Association of Health Plans
 200 W. College Avenue
 Tallahassee FL 32301
 Phone: 850-445-6552

Health Insurance

Paul Sanford (Lobbyist) - Proponent
 Blue Cross - FIC
 106 S. Monroe Street
 Tallahassee FL 32301
 Phone: 850-222-7200

Health Insurance

Joy Ryan, Attorney (Lobbyist) - Proponent
 America's Health Insurance Plan (AHIP)
 204 S. Monroe Street
 Tallahassee FL 32312
 Phone: 850-681-6710

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Location: Morris Hall (17 HOB)

Health Insurance

Jose L. Gonzalez, Vice President of Government Affairs (Lobbyist) - Proponent

Associated Industries of Florida (AIF)

576 North Adams Street

Tallahassee FL 32301

Phone: 850-224-7173

Health Insurance

Sally West, Director of Government Affairs (Lobbyist) - Proponent

Florida Retail Federation

P.O. Box 10024

Tallahassee FL 32302

Phone: 850-222-4082

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COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/16/2010 10:15:00AM

Location: Morris Hall (17 HOB)

HB 1071 : Sale of Ephedrine or Related Compounds

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
James Bush III	X				
Clay Ford	X				
Erik Fresen	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Peter Nehr	X				
Ari Porth	X				
William Proctor	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Yolly Roberson	X				
Charles Van Zant	X				
Nicholas Thompson (Chair)			X		
Total Yeas: 13		Total Nays: 0			

Appearances:

Sale of Ephedrine or Related Compounds

Jeff Beasley, Inspector (State Employee) - Proponent
 Florida Department of Law Enforcement (FDLE)
 2331 Phillips Road
 Tallahassee FL 32312
 Phone: 850-410-7084

Sale of Ephedrine or Related Compounds

Charlie Cichon, Executive Director - Proponent
 National Association of Drug Diversion Investigators
 1810 York Road #435
 Lutherville MD 21101
 Phone: 410-321-4600

Sale of Ephedrine or Related Compounds

Sally West, Director of Government Affairs (Lobbyist) - Proponent
 Florida Retail Federation

Sale of Ephedrine or Related Compounds

George Turner, Chief - Proponent
 Florida Police Chief's Association
 Brooksville FL
 Phone: 352-585-8828

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Location: Morris Hall (17 HOB)

Sale of Ephedrine or Related Compounds

Bruce D. Grant, Director of Office of Drug Control (Lobbyist) (State Employee) - Proponent

Office of the Governor

400 S. Monroe Street, Suite 2105

Tallahassee FL 32399

Phone: 850-488-9557

Sale of Ephedrine or Related Compounds

Frank McKeithen - Proponent

Bay County Sheriff's Office

Panama City FL 32401

Phone: 850-747-4700

Sale of Ephedrine or Related Compounds

Mandy Hagan, Director of State Government Relations - Proponent

Consumer Healthcare Product Association

900 19th Street NW #700

Washington DC 20006

Phone: 202-429-3524

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COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/16/2010 10:15:00AM

Location: Morris Hall (17 HOB)

CS/HB 1337 : Nursing

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
James Bush III	X				
Clay Ford	X				
Erik Fresen	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Peter Nehr	X				
Ari Porth				X	
William Proctor	X				
Michelle Rehwinkel Vasilinda			X		
Ronald Renuart	X				
Yolly Roberson	X				
Charles Van Zant	X				
Nicholas Thompson (Chair)			X		
Total Yeas: 11		Total Nays: 0			

Appearances:

Nursing

Dr. Lillia Loriz (State Employee) - Proponent
 Florida Association for Colleges of Nursing (FACN)
 1608 1st Street
 Neptune Beach FL 32266
 Phone: 904-626-3060

Nursing

Andrea Gregg (State Employee) - Proponent
 Florida Nurses Association
 3726 Sea Hawk Street East
 Jacksonville FL 32224
 Phone: 904-728-0503

Nursing

Katherine Holzer (Lobbyist) - Proponent
 Florida Hospital Association
 306 E. College Avenue
 Tallahassee FL 32301
 Phone: 850-222-9800

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Other Business Appearance:

A.G. Holley State Hospital

Jennifer Johnson, Chief Legislative Analyst (State Employee) - Proponent

OPPAGA

Tallahassee FL 32399

Phone: 850-488-1023

A.G. Holley State Hospital

Julia Gill, Director of Division of Disease Control (State Employee) - Proponent

Department of Health

2585 Merchants Row Boulevard

Tallahassee FL 32399

Phone: 850-245-4411

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COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 591 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee
3 Representative(s) Roberson, Y. offered the following:
4

Amendment (with directory amendment)

Remove lines 18-87

D I R E C T O R Y A M E N D M E N T

Remove lines 2-7

13 An act relating to health insurance; creating ss. 627.6404,
14 627.6572, and

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 591 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER —

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee

3 Representative(s) Roberson, Y. offered the following:

4

5 On line 90 before the word "Antiretroviral" insert:

6 Brand or generic

7

8 On line 177 before the word "Antiretroviral" insert:

9 Brand or generic

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11 On line 184 before the word "Antiretroviral" insert:

12 Brand or generic

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14

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1071 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y) N
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee

3 Representative(s) Hays offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 893.1495, Florida Statutes, is amended
8 to read:

9 893.1495 Retail sale of ephedrine and related compounds.-

10 (1) For purposes of this section, the term "ephedrine or
11 related compounds" means ephedrine, pseudoephedrine,
12 phenylpropanolamine, or any of their salts, optical isomers, or
13 salts of optical isomers.

14 (2) ~~(1)~~ A ~~no~~ person may not shall knowingly obtain or
15 deliver to an individual in any single retail over-the-counter
16 sale ~~any number of packages of any nonprescription compound,~~
17 mixture, or preparation ~~drug~~ containing a ~~sole active ingredient~~
18 ~~that contains a combined total of more than 9 base grams of~~

Amendment No. 1

19 ephedrine or related compounds in excess of the following
20 amounts:

21 (a) In any single day, any number of packages that contain
22 a total of 3.6 grams of ephedrine or related compounds;

23 (b) In any single retail, over-the-counter sale, three
24 packages, regardless of weight, containing ephedrine or related
25 compounds; or

26 (c) In any 30-day period, in any number of retail, over-
27 the-counter sales, a total of 9 grams or more of ephedrine or
28 related compounds, pseudoephedrine, phenylpropanolamine, or any
29 of their salts, optical isomers, or salts of optical isomers, or
30 more than three packages in any single retail over-the-counter
31 sale, regardless of weight, containing any such sole active
32 ingredient.

33 (3)-(2) A No person may not shall knowingly display and
34 offer for retail sale packages of any nonprescription compound,
35 mixture, or preparation containing drug having a sole active
36 ingredient of ephedrine or related compounds, pseudoephedrine,
37 phenylpropanolamine, or any of their salts or optical isomers
38 other than behind a checkout counter where the public is not
39 permitted or other such location that is not otherwise
40 accessible to the general public.

41 (4)-(3) A No person who is the owner or primary operator of
42 a retail outlet where any nonprescription compound, mixture, or
43 preparation containing ephedrine or related compounds is,
44 pseudoephedrine, or phenylpropanolamine products are available
45 for sale may not shall knowingly allow an employee to engage in
46 the retail sale of such compound, mixture, or preparation

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47 ~~products~~ unless the employee has completed an employee training
48 program that shall include, at a minimum, basic instruction on
49 state and federal regulations relating to the sale and
50 distribution of such compounds, mixtures, or preparations
51 ~~products~~.

52 (5) (a) Any person purchasing, receiving, or otherwise
53 acquiring any nonprescription compound, mixture, or preparation
54 containing any detectable quantity of ephedrine or related
55 compounds must:

56 1. Be at least 18 years of age.

57 2. Produce a government-issued photo identification
58 showing his or her name, date of birth, address, and photo
59 identification number.

60 3. Sign his or her name on a record of the purchase,
61 either on paper or on an electronic signature capture device.

62 (b) Department of Law Enforcement shall approve an
63 electronic recordkeeping system for the purpose of recording and
64 monitoring the real time purchase of products containing
65 ephedrine or related compounds and for the purpose of monitoring
66 this information in order to prevent or investigate illegal
67 purchases of these products. The approved electronic
68 recordkeeping system shall be provided to a pharmacy or retailer
69 without any additional cost or expense. A pharmacy or retailer
70 may request an exemption from electronic reporting from the
71 Department of Law Enforcement if the pharmacy or retailer lacks
72 the technology to access the electronic recordkeeping system and
73 such pharmacy or retailer maintains a sales volume of less than
74 72 grams of ephedrine or related compounds in a thirty day

Amendment No. 1

75 period. The electronic recordkeeping system shall record the
76 following:

77 1. Date and time of the transaction.

78 2. Name, date of birth, address, and photo identification
79 number of the purchaser, as well as the type of identification
80 and the government of issuance.

81 3. The number of packages purchased, total grams per
82 package, and name of the compound, mixture, or preparation
83 containing ephedrine or related compounds.

84 4. The signature of the purchaser, or a unique number
85 relating the transaction to a paper signature maintained at the
86 retail premises.

87 (c) The electronic recordkeeping system shall provide for:

88 1. Real-time tracking of nonprescription over-the-counter
89 sales under this section.

90 2. Blocking of nonprescription over-the-counter sales in
91 excess of those allowed by the laws of this state or federal
92 law.

93 (6) A nonprescription compound, mixture, or preparation
94 containing any quantity of ephedrine or related compounds may
95 not be sold over the counter unless reported to an electronic
96 recordkeeping system approved by the Department of Law
97 Enforcement.

98 (7) Prior to completing a transaction a pharmacy or
99 retailer distributing products containing ephedrine or related
100 compounds to consumers in this state shall submit all required
101 data into an electronic recordkeeping system approved by the
102 Department of Law Enforcement either at the point of sale or

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103 through an interface with the electronic recordkeeping system,
104 unless granted an exemption by the Department of Law Enforcement
105 pursuant to subparagraph (5) (b).

106 (8) The data submitted to the electronic recordkeeping
107 system must be retained within the system for no less than two
108 years from the date of entry.

109 (9) (4) The requirements of this section relating to the
110 marketing, sale, or distribution of products containing
111 ephedrine or related compounds supersedes, pseudoephedrine, or
112 phenylpropanolamine products shall supersede any local ordinance
113 or regulation passed by a county, municipality, or other local
114 governmental authority.

115 (10) This section does not apply to:

116 (a) Licensed manufacturers manufacturing and lawfully
117 distributing products in the channels of commerce.

118 (b) Wholesalers lawfully distributing products in the
119 channels of commerce.

120 (c) Health care facilities licensed under chapter 395.

121 (d) Licensed long-term care facilities.

122 (e) Government-operated health departments.

123 (f) Physicians' offices.

124 (g) Publicly operated prisons, jails, or juvenile
125 correctional facilities or private adult or juvenile
126 correctional facilities under contract with the state.

127 (h) Public or private educational institutions maintaining
128 health care programs.

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129 (i) Government-operated or industry-operated medical
130 facilities serving employees of the government or industry
131 operating them.

132 (11)-(5) Any individual who violates subsection (1),
133 subsection (2), or subsection (3), or subsection (4) commits:

134 (a) For a first offense, a misdemeanor of the second
135 degree, punishable as provided in s. 775.083.

136 (b) For a second offense, a misdemeanor of the first
137 degree, punishable as provided in s. 775.082 or s. 775.083.

138 (c) For a third or subsequent offense, a felony of the
139 third degree, punishable as provided in s. 775.082, s. 775.083,
140 or s. 775.084.

141 (12) Information contained within the electronic
142 recordkeeping system shall be disclosed in a manner authorized
143 by state or federal law.

144 (13) A person who sells any product containing ephedrine
145 or related compounds who in good faith complies with the
146 requirements of this section is immune from civil liability for
147 the release of the information.

148 (14) The Department of Law Enforcement shall contract with
149 a private third party administrator to implement the electronic
150 recordkeeping system required by this section.

151 (15) The Department of Law Enforcement shall promulgate
152 rules necessary to implement this section.

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154 Section 2. This act shall take effect July 1, 2010 and
155 shall be implemented by January 1, 2011.

156

Amendment No. 1

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

Remove the entire title and insert:

An act relating to the sale of ephedrine or related compounds;
amending s. 893.1495, F.S.; providing a definition; prohibiting
obtaining or delivering to an individual in a retail sale any
nonprescription compound, mixture, or preparation containing
ephedrine or related compounds in excess of specified amounts;
revising provisions relating to retail display of products
containing ephedrine or related compounds; revising provisions
relating to retail employee training; requiring a purchaser of a
nonprescription compound, mixture, or preparation containing any
detectable quantity of ephedrine or related compounds to meet
specified requirements; requiring use of an electronic
recordkeeping mechanism approved by the Department of Law
Enforcement for such transactions to record specified
information; providing for exemptions from the electronic
recordkeeping requirement; revising language concerning local
ordinances or regulations; providing exemptions for certain
entities; conforming language concerning criminal penalties for
violations; providing an effective date.