



Rick Scott  
Governor

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DEPARTMENT OF HEALTH  
Frank Farmer, Jr., M.D., Ph.D.  
State Surgeon General

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OFFICE OF THE CLERK

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
DECLARATION OF PUBLIC HEALTH EMERGENCY  
SUPPLEMENTAL ORDER # 01**

WHEREAS, pursuant to CS/CS/HB 7095, enacted as chapter 2011-141, *Laws of Florida* (the "Bill"), the State Surgeon General on July 1, 2011 issued a declaration of Public Health Emergency.

WHEREAS, among other elements, the Bill promulgated new statutory requirements for counterfeit-proof prescription drug pads used by Florida-licensed healthcare professionals to prescribe controlled substances.

WHEREAS, as a practical matter, the abbreviated timeframes calculated under the Bill did not allow sufficient time for Florida-licensed healthcare professionals to obtain the new counterfeit-proof prescription pads.

WHEREAS, the Department of Health has learned that Florida pharmacies since July 1, 2011 have routinely refused to fill otherwise-legitimate prescriptions for controlled substances because of lack of counterfeit-proof prescriptions, such as those prescriptions written by physicians treating cancer patient, and as many as 50,000 Florida-licensed physicians prescribe controlled substances to treat their patients' medical needs.

WHEREAS, the Department of Health furthermore has learned from its several federal partners that their licensed healthcare professionals already possess and use counterfeit-proof prescription pads pursuant to federal law.

WHEREAS, the Department of Health is bound to respect applicable federal law on the grounds of the Supremacy Clause of the United States Constitution.

WHEREAS, under the circumstances presented, the counterfeit-proof prescription pad requirement is likely to negatively impact the public health of the citizens of Florida.

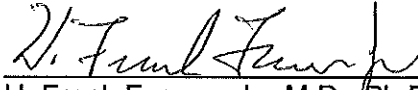
NOW FOR THESE REASONS, the undersigned has conferred with public health professionals and obtained the concurrence of the Florida Governor, and accordingly orders the following supplemental actions:

DECLARED, there is a risk of substantial injury or harm threatening Florida public health where counterfeit-proof prescription pads are not currently available to Florida-licensed health care professionals. Therefore, the application of the words "and must be either written on a standardized counterfeit-proof prescription pad produced by a vendor approved by the department" such as is found at lines 247-249 of the Bill, page 9 (also found at chapter 2011-141, *Laws of Florida*; amending section 456.42 and adding subsection (2) thereto) is suspended during the pendency of this Public Health Emergency.

Consistent with section 381.00315(1)(b), *Florida Statutes*, this Order shall expire 60 days from

July 1, 2011 unless that Declaration of Public Health Emergency is amended, rescinded, or renewed with the concurrence of the Governor.

Executed this 6<sup>th</sup> day of July, 2011, in Department of Health Offices, Tallahassee, Leon County, Florida.

  
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H. Frank Farmer, Jr., M.D., Ph.D.  
State Surgeon General