

MAINE STATE LEGISLATURE

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December 11, 1975

Richard O. Campbell, Secretary
Commission of Pharmacy
Northwood Road
Lewiston, Maine

Re: Chapter 476 of the Public Laws of 1975 and the Implementa-
tion of its Provisions.

Dear Richard:

In answer to your inquiry under date of November 11, 1975, concerning the above-designated matter, it is imperative that, as of January 1, 1976, all prescriptions issued by doctors and dentists comply with the provisions of our "drug equivalent substitution" law.

In the absence of a supply of standard forms which set forth the required language of c. 476, P.L. 1975, a physician, osteopath or dentist can clearly comply with the law by writing or typing the language of the second paragraph of the Act in a prescription and, with or without a check mark therein, designate a box form of minimal 1/2 inch dimensions on said written prescription.

As a practical matter, this will prove much more burdensome than ordering new standardized forms prior to the exhaustion of current prescription forms in use, but it is imperative that the substantive provisions of the statute be met, and any inconvenience caused to prescribers of drugs must necessarily give way to immediate compliance with the legislative mandate which provides for the allowance of the substitution of equivalent prescription drugs by pharmacists.

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In summary, it is of the utmost importance to emphasize that regardless of the type of form utilized, the language of paragraph two of chapter 476, P.L. 1975, must appear therein, and in the absence of such language, a pharmacist should refrain from filling any given prescription after January 1, 1976, as he would be filling a non-conforming, and hence illegal drug prescription.

Very truly yours,


PHILLIP M. KILMISTER
Assistant Attorney General

PMK:mfe