

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

COMMITTEE AMENDMENT " A "to H.P. 176, L.D. 200, Bill,  
"AN ACT to Expand the Authority of Pharmacists to Dispense  
Drugs by their Generic Names."

Amend said Bill by striking out all of the title and  
inserting in place thereof the following:

'AN ACT Relating to the Prescribing and Dispensing of Drugs.'

Further amend said Bill by striking out everything after  
the enacting clause and inserting in place thereof the following:

'Sec. 1. 32 MRSA §2806 is enacted to read:

§ 2806. Prescribing and dispensing of drugs

Every written prescription issued by a physician, osteopath  
or dentist in this State shall contain in the lower right-hand  
corner of such prescription form a box at least 1/2 inch by  
1/2 inch.

The following words shall appear to the left of this box:

"Any drug which is the generic or chemical equivalent of the  
drug specified above in this prescription may be dispensed  
provided that the drug dispensed is listed in the current  
edition of either the National Formulary or the United States  
Pharmacopoeia and provided that no check mark (✓) has been  
handwritten in the box in the right-hand lower corner.

Any pharmacist receiving a prescription in which no check  
mark (✓) is found in the box provided is authorized to sub-  
stitute a generic or chemically equivalent drug for the drug  
specified on the prescription, provided that the substituted

drug is listed in the current edition of either the National Formulary or the United States Pharmacopoeia and that the price of the substituted drug does not exceed the price of the drug specified by the prescribing physician, osteopath or dentist.

Any pharmacist who substitutes a generic or chemically equivalent drug under the provisions of this section shall inform the person to whom the drug is dispensed of the substitution. Whenever any substitution is made under the provisions of this section, the pharmacist shall cause the name of the drug manufacturer or distributor to appear on the container label of the drug dispensed.

This section shall not apply to prescriptions ordered by physicians or osteopaths for patients in hospitals when such prescriptions are filled by a hospital pharmacy.

Sec. 2. Effective date. The effective date of this Act shall be January 1, 1976.'

#### Statement of Fact

The purpose of this amendment sets out the requirements for all prescription forms and the procedures to be followed by physicians in writing prescriptions and pharmacists in dispensing drugs. Substitution of generic or chemically equivalent drugs listed in the United States Pharmacopoeia or National Formulary is permitted unless the physician makes a check mark in a box provided at the bottom of the form. In addition, this amendment ensures that the consumer is notified of any substitution authorized by the physician and carried out by the pharmacist. The identity of the drug substituted will be ensured by requiring the name of the manufacturer or distributor to appear on the container label.

COMMITTEE AMENDMENT "A" to H.P. 176, L.D. 200, Bill,  
"AN ACT to Expand the Authority of Pharmacists to Dispense  
Drugs by their Generic Names"

Reported by the Committee on Health and Institutional Services.

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