

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 200

H. P. 176

House of Representatives, January 15, 1975

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Cox of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Expand the Authority of Pharmacists to Dispense Drugs by
their Generic Names.

Be it enacted by the People of the State of Maine, as follows:

32 MRSA, § 2905 is enacted to read:

§ 2905. Prescription for generic names

1. Authority. A pharmacist who receives an oral or written prescription from a medical practitioner, physician, osteopath, dentist or veterinary surgeon for the dispensing of a drug or drug combination, which prescription expressly or impliedly refers to the brand name of the drug to be dispensed, may, subject to subsection 2, dispense the generic or chemical drug or drug combination equivalent to the brand name drug or drug combination specified in the prescription. No pharmacist shall dispense a drug by its generic or chemical name in place of its brand name unless the drug is listed by its generic or chemical name in the most recent edition of the United States Pharmacopoeia or the National Formulary.

2. Limitation.

A. If an oral or written prescription specifies that a drug or drug combination shall be dispensed only by brand name, a pharmacist shall not substitute the generic or chemical equivalent of the drug, but shall dispense the drug by brand name.

B. If a prescription specifies a certain form of the drug or drug combination it prescribes, a pharmacist shall substitute a drug or drug combination only in that form.

STATEMENT OF FACT

The intent of this Act is to permit a pharmacist filling a prescription to substitute a generic or chemical name equivalent for a brand name drug unless the prescription specifies that the drug shall only be dispensed by brand name.