

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 354

S. P. 98

In Senate, January 23, 1975

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

HARRY N. STARBRANCH, Secretary
Presented by Senator Conley of Cumberland.

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 either expressly or by implication 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 drug or drug combination specified in the prescription. No drug shall be dispensed by the pharmacist by its generic or chemical name unless it is listed as such in the most recent edition of the United States Pharmacopoeia or the National Formulary.

2. Limitation. A pharmacist who receives a prescription for the dispensing of a drug or drug combination shall not dispense the generic or chemical drug or drug combination in the event that the prescribing medical practitioner, physician, osteopath, dentist or veterinary surgeon shall have actually specified in his or her own handwriting on the face of the prescription that the generic or chemical equivalent of the drug or drug combination is not to be dispensed.

STATEMENT OF FACT

This bill will permit pharmacists to substitute a less expensive brand of medicine provided that it is chemically equivalent to the brand prescribed. In the instance where the prescribing individual believes that a specific brand name drug is superior to chemical equivalents, substitution may be precluded.