

MAINE STATE LEGISLATURE

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L.D. 1975

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-987)

COMMITTEE AMENDMENT "A" to H.P. 1914, L.D. 1975, Bill, "AN ACT Concerning Substitution of Generic Drugs by Pharmacists."

Amend the bill by striking everything after the enacting clause and inserting in its place the following:

§ 32 MRSA §2806, 2nd and 3rd ¶¶, as enacted by PL 1975, c.476, §1, are amended to read:

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 substitute 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~~ that the substituted drug is distri-

buted by a business entity doing business in the United States and is subject to suit and the service of legal process in the United States and that the price of the substituted drug does not exceed the price of the drug specified by the prescribing physician, osteopath or dentist. Notwithstanding any other provision of this section, when any pharmacist receives a verbal prescription, if the physician, osteopath or dentist expressly authorizes him to substitute a generic or chemically equivalent drug for the drug specified in the prescription, the pharmacist may substitute a generic or chemically equivalent drug provided that the substituted drug is distributed by a business entity doing business in the United States and is subject to suit and service of legal process in the United States and that the price of the substituted drug does not exceed the price of the drug specified by the prescribing physician, osteopath or dentist. /

Statement of Fact

amendment
This / eliminates from the present law the archaic requirement that the substituted drug be listed in the National Formulary or the United States Pharmacopoeia and adds a safeguard requiring that the substituted drug be distributed by a firm doing business in this country and subject to suit and service of process here. The / amendment also clarifies an ambiguity in the present law concerning oral prescriptions by permitting the pharmacist to substitute if the medical practitioner specifically authorizes it.

Reported by the Committee on Health and Institutional Services.

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