SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document No. 2232

S.P. 856 In Senate, February 10, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Business Legislation suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator DILLENBACK of Cumberland.

Cosponsored by Representative CARROLL of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT Concerning the Labeling of Prescription Drugs.

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

Sec. 1. 22 MRSA §2204-A, as enacted by PL 1971, c. 282, §1, is amended to read:

§2204-A. Labeling of prescriptions

Every drug dispensed pursuant to prescription, whether for a legend drug or not, shall carry on the label ~~thereto~~ the following information: The prescription number~~,~~; the date of original filling~~,~~; the patient's name~~,~~; directions for use, including the dosage of the drug to be taken at one time or within a period of time; the amount of the drug dispensed, including the number of pills or volume of liquid originally distributed; the actual drug product dispensed, including either the brand name of the drug or, if a generic or chemical equivalent is dispensed in accordance with Title 32, section 2851, the name of the generic or chemical equivalent as well as the name of the drug manufacturer or distributor; the name of the medical practitioner prescribing ~~said~~ the drug and the name and address of the pharmacy ~~wherein~~ where the prescription was compounded and dispensed. The brand name of the prescribed drug shall not appear on the prescription container label unless it is the drug product actually dispensed.

Sec. 2. 32 MRSA §2806, next to the last ¶, as enacted by PL 1975, c. 476, §1, is amended to read:

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 generic or chemically equivalent drug, the name of the drug manufacturer or distributor of that substitute drug and all other information as required by Title 22, section 2204-A to appear on the container label of the drug dispensed.

STATEMENT OF FACT

Section 1 of this bill requires that any label on

a container of prescription drugs contain both the prescribed dosage as well as the amount of the drug dispensed, including the actual number of pills or volume of liquid distributed by a pharmacist. These additional labeling requirements should prove extremely useful in emergency situations where medical personnel attempt to treat an unconscious victim of a drug overdose, by helping them to ascertain the quantity of the drug ingested. Section 1 also requires that the label on a container of prescription drugs specify the actual drug product dispensed either by the brand name of the drug or by its generic or chemically equivalent name, and specifies that the brand name may not appear on the label of the container unless it is the drug product actually dispensed.

Section 2 of the bill clarifies that when a pharmacist substitutes a generic or chemically equivalent drug for a drug specified on a prescription issued by a physician, osteopath or dentist, the container label of the drug dispensed is to include the name of that substituted drug, the name of its manufacturer or distributor, and all of the other labeling requirements specified in section 1.

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