

SENATE BILL NO. 114

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY REQUEST

Introduced: 3/12/07

Referred: Labor and Commerce, Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the substitution by a pharmacist of an equivalent drug product."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 08.80.295(a) is amended to read:

4 (a) **Subject to the additional requirements of (c) of this section, unless**
5 [UNLESS] the prescription indicates that it is to be dispensed only as written, the
6 pharmacist may, with the consent of the patient **or, if the patient is a minor, the**
7 **patient's parent or guardian**, substitute an equivalent drug product.

8 * **Sec. 2.** AS 08.80.295 is amended by adding a new subsection to read:

9 (c) A pharmacist may not substitute an equivalent drug product for a drug
10 prescribed for epilepsy or for the treatment of seizures under (a) of this section unless
11 the pharmacist first obtains the oral or written agreement of the prescriber. If the
12 prescriber is unavailable to discuss a substitution of the prescribed drug, the
13 pharmacist may fill the prescription for an amount of the substituted drug that would
14 cover 72 hours of treatment after notifying the prescriber of the desired substitution
15 and while waiting for a response from the prescriber. After 72 hours, if the prescriber

1 is still not available to review the prescription, the pharmacist may extend the
2 prescription for the substituted drug for another 72 hours, after which the pharmacist
3 must fill the prescription as originally written if agreement for the substituted drug is
4 not obtained from the prescriber.

5 * **Sec. 3.** AS 17.20.105(b) is amended to read:

6 (b) **Except as provided in (c) of this section, in** [IN] preparing a prescription,
7 a pharmacist may not substitute a drug for a registered brand or trade name product
8 specified unless the pharmacist obtains permission from the author of the prescription;
9 but if the prescribing physician, osteopathic physician, dentist, or veterinarian is
10 temporarily unavailable, the pharmacist may, if unable to supply the drug requested,
11 substitute a drug or preparation of approximately equal therapeutic value so long as
12 the pharmacist notifies the author of the prescription at an early opportunity.

13 * **Sec. 4.** AS 17.20.105 is amended by adding a new subsection to read:

14 (c) A pharmacist may not substitute an equivalent drug product for a drug
15 prescribed for epilepsy or for the treatment of seizures under (b) of this section unless
16 the pharmacist first obtains the oral or written agreement of the prescriber and the
17 consent of the patient or, if the patient is a minor, consent of the patient's parent or
18 guardian. If the prescriber is unavailable to discuss a substitution of the prescribed
19 drug, the pharmacist may fill the prescription for an amount of the substituted drug
20 that would cover 72 hours of treatment after notifying the prescriber of the desired
21 substitution and while waiting for a response from the prescriber. After 72 hours, if the
22 prescriber is still not available to review the prescription, the pharmacist may extend
23 the prescription for the substituted drug for another 72 hours, after which the
24 pharmacist must fill the prescription as originally written if agreement for the
25 substituted drug is not obtained from the prescriber.