

Original Sponsors: Bradley,  
Bradner and Gardiner

Offered: 2/6/76  
Referred: Judiciary

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 584

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to substitution of prescription drugs  
7 by pharmacists."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 08.80.295 is repealed and re-enacted to read:

10 Sec. 08.80.295. SUBSTITUTION. (a) Except as limited by (b) and  
11 (d) of this section, with the consent of the purchaser, the pharmacist  
12 may substitute a drug product with the same generic name in the same  
13 strength, quantity, dose and dosage form as the prescribed drug which  
14 is, in the pharmacist's professional opinion, therapeutically equiva-  
15 lent. Upon substitution the pharmacist shall notify the person who  
16 prescribed the drug of the substitution and of the drug substituted.

17 (b) A person authorized to prescribe drugs may specify in writing  
18 or by oral communication that there shall be no substitution for the  
19 specified brand name drug in any prescription. The phrase "no substi-  
20 tution" or words of like import must be in the person's handwriting or,  
21 if the prohibition was communicated orally, in the pharmacist's hand-  
22 writing, and shall not be preprinted or stamped or initialed on the pre-  
23 scription form.

24 (c) Every pharmacy shall post a sign in a location easily seen by  
25 patrons at the counter where prescriptions are dispensed stating that  
26 "Alaska law provides that with your consent, unless prohibited by your  
27 doctor, this pharmacy may substitute a less expensive drug which is  
28 therapeutically equivalent to the one prescribed by your doctor." The  
29 printing on the sign shall be in block letters not less than one inch in

1 height.

2 (d) A pharmacist shall substitute a drug product under (a) of this  
3 section only when there will be a savings in cost to the purchaser.

4 (e) If the physician prescribes a drug by its generic name, the  
5 pharmacist shall dispense the lowest retail cost brand which is in  
6 stock.

7 (f) As used in this section, unless the context requires other-  
8 wise,

9 (1) "brand name" means the proprietary or trade name selected  
10 by the manufacturer and placed upon a drug, its container, label or  
11 wrapping at the time of packaging;

12 (2) "generic name" means the official title of a drug or drug  
13 ingredients published in the latest edition of a Pharmacopoeia, Homeo-  
14 pathic Pharmacopoeia or Formulary;

15 (3) "substitute" means to dispense without prescriber's ex-  
16 press authorization a different drug product in place of the drug  
17 ordered or prescribed;

18 (4) "therapeutically equivalent" means drugs that will pro-  
19 vide essentially the same efficacy and toxicity when administered to an  
20 individual in the same dosage regimen.

21 \* Sec. 2. AS 08.80 is amended by adding a new section to read:

22 Sec. 08.80.297. POSTING OF PRICES. (a) Annually in the month of  
23 August, the Department of Commerce and Economic Development shall pre-  
24 pare a list of the 100 most commonly prescribed prescription drugs,  
25 their usual strength and amount prescribed, and distribute the list  
26 along with regulations for posting to each pharmacy registered with the  
27 board of registration in pharmacy. The determination of the department  
28 as to which drugs are to be included on the list shall be final.

29 (b) The current list of the 100 most commonly prescribed drugs

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shall be conspicuously posted in each pharmacy registered with the board. After each prescription drug listed, the name of the manufacturer and the current selling price shall be clearly indicated for that prescription by the pharmacy. A pharmacy may change the current selling price and the posting of the price at any time.

(c) The price of all other drugs not included on the list of 100 commonly prescribed drugs shall be available and shall be quoted by the pharmacy upon request.