

Original Sponsors: Bradley,
Bradner and Gardiner

Offered: 3/2/76
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 584 (Judiciary)

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 AS 08.80.295 is repealed and re-enacted to read: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
3 this 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 drug product which is
6 in stock and which complies with the physician's prescription.

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 the Department
23 of Commerce and Economic Development shall prepare a list of the generic
24 names of the 100 most commonly prescribed prescription drugs, their
25 usual strength and amount prescribed, and examples of each by brand
26 name, if any, and distribute the list along with regulations for post-
27 ing to each pharmacy registered with the board of registration in
28 pharmacy. The determination of the department as to which drugs are to
29 be included on the list shall be final.

1 (b) The current list of the 100 most commonly prescribed drugs
2 shall be conspicuously posted in each pharmacy registered with the
3 board. After each prescription drug listed, the name of the manufacturer
4 and the current selling price shall be clearly indicated for that
5 prescription by the pharmacy. A pharmacy may change the current selling
6 price and the posting of the price at any time.

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

10 * Sec. 3. AS 08.80.460 is amended by adding a new subsection to read:

11 (b) A person who violates the provisions of sec. 295 of this
12 chapter is punishable by a civil fine in an amount established by the
13 board in a schedule or schedules establishing the amount of civil fine
14 for a particular violation. The schedule or schedules shall be adopted
15 by the board by regulation. Any civil fine imposed under this section
16 may be appealed in the manner provided for appeals in the Administrative
17 Procedure Act (AS 44.62).
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