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By: Delegates Haynes, Anderson, Barkley, Benson, Branch, Bromwell,

Burns, Cane, Cardin, Carter, Conroy, D. Davis, Donoghue, Doory, Dumais, Fulton, Gaines, Goldwater, Gordon, Griffith, Hammen, Harrison, Holmes, Howard, Hubbard, Jones, Kaiser, Kelley, Kelly, Kirk, Lee, Love, Madaleno, Mandel, Marriott, McDonough, McHale, Menes, Moe, Murray, Nathan-Pulliam, Niemann, Oaks, Paige, Parker, Patterson, Pendergrass, Proctor, Ramirez, Rawlings, Ross, Rudolph, Smigiel, Taylor, Trueschler, F. Turner, V. Turner, Vaughn, Weldon, and Zirkin

Introduced and read first time: February 7, 2003 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

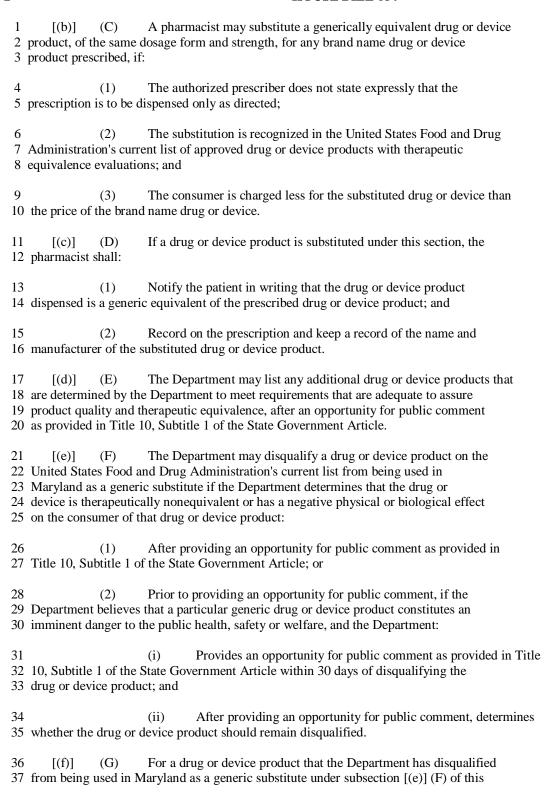
2 Pharmacists and Pharmacies - Practice - Advice of Generic Drug Option

- 3 FOR the purpose of requiring an employee of a pharmacy or a pharmacist to advise
- 4 consumers of generically equivalent drugs; requiring an employee of a pharmacy
- 5 or a pharmacist to advise consumers of the cost difference of generically
- 6 equivalent drugs as compared to brand name drugs.
- 7 BY repealing and reenacting, with amendments,
- 8 Article Health Occupations
- 9 Section 12-504
- 10 Annotated Code of Maryland
- 11 (2000 Replacement Volume and 2002 Supplement)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 13 MARYLAND, That the Laws of Maryland read as follows:

14 Article - Health Occupations

15 12-504.

- 16 (a) In this section, "brand name" means the proprietary name a manufacturer
- 17 places on a drug or device product or its container.
- 18 (B) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, AN EMPLOYEE OF THE
- 19 PHARMACY OR A PHARMACIST SHALL ADVISE THE CONSUMER OF THE AVAILABILITY
- 20 OF A GENERICALLY EQUIVALENT DRUG AND SHALL ADVISE THE CONSUMER OF THE
- 21 COST DIFFERENCE AS COMPARED TO THE BRAND NAME DRUG.



- 1 section, the Department shall provide an opportunity for public comment as provided
- 2 in Title 10, Subtitle 1 of the State Government Article before reinstating the drug or
- 3 device product for use in Maryland as a generic substitute.
- 4 [(g)] (H) A pharmacist who substitutes a drug or device product in compliance
- 5 with this section incurs no greater liability in filling the prescription by dispensing
- 6 the equivalent drug or device product than would be incurred in filling the
- 7 prescription by dispensing the prescribed brand name drug or device.
- 8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 9 October 1, 2003.