

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 684

(Delegate Haynes, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Pharmacists - Practice - Information on Generic Drug Option

This bill requires a pharmacist, or the pharmacist's designee, to inform retail consumers of the availability of a generically equivalent drug and the approximate cost difference as compared to the brand name drug.

Fiscal Summary

State Effect: The bill would not materially affect State government operations.

Local Effect: None.

Small Business Effect: Minimal impact to pharmacies due to disclosure requirements.

Analysis

Bill Summary: This bill does not apply: (1) to a prescription that is written for a generic drug; (2) when the authorized prescriber states expressly that the prescription is to be dispensed only as directed; (3) to a pharmacist who works in a pharmacy, whether centralized or decentralized, which primarily serves public or private institutional recipients; or (4) when the cost of the prescription is reimbursed by a third party payer, including Medicaid. It also requires the State Board of Pharmacy to adopt procedures for: (1) a consumer to notify the board when a pharmacist fails to provide information on generic equivalent drugs; and (2) advising a pharmacist of the provisions of this bill.

Pharmacists' designees must be under the direct supervision of the pharmacist.

Current Law: Pharmacists may substitute generic drugs or devices for brand name drugs or devices if: (1) the authorized prescriber does not state expressly that the prescription is to be dispensed only as directed; (2) the substitution is recognized by the U.S. Food and Drug Administration; and (3) the consumer is charged less for the substituted drug or device than the brand name drug or device.

If a drug or device is substituted, the pharmacist must inform the consumer in writing and record the substitution on the prescription.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2003
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