HOUSE BILL 772

J2 8lr2200

By: **Delegates Robinson, Bates, Conaway, Haynes, Heller, and Love**
Introduced and read first time: February 4, 2008
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Pharmacists – Substitution of Generic Drugs or Device Products – Consent of Consumers or Authorized Prescribers

FOR the purpose of requiring pharmacists to obtain the written consent of consumers or authorized prescribers before substituting generically equivalent drugs or device products for brand name drugs or device products; and generally relating to the substitution of generically equivalent drugs or device products for brand name drugs or device products.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–504(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–504(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

12–504.

(a) In this section, "brand name" means the proprietary name a manufacturer places on a drug or device product or its container.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW**.
[Brackets**]** indicate matter deleted from existing law.

(c) A pharmacist may substitute a generically equivalent drug or device product, of the same dosage form and strength, for any brand name drug or device product prescribed, if:

(1) The authorized prescriber does not state expressly that the prescription is to be dispensed only as directed;

(2) The substitution is recognized in the United States Food and Drug Administration's current list of approved drug or device products with therapeutic equivalence evaluations; **[**and**]**

(3) The consumer is charged less for the substituted drug or device than the price of the brand name drug or device**; AND**

(4) THE CONSUMER OR THE AUTHORIZED PRESCRIBER CONSENTS IN WRITING FOR THE SUBSTITUTED DRUG OR DEVICE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.