

1 HB69
2 197397-3
3 By Representative Mooney
4 RFD: Insurance
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6 PFD: 03/04/2019

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ENROLLED, An Act,

Relating to prescriptions; to amend Section 34-23-8, Code of Alabama 1975, to provide that an electronic prescription from a practitioner specify whether a generic product may be dispensed.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-23-8, Code of Alabama 1975, is amended to read as follows:

"§34-23-8.

"No person shall dispense or cause to be dispensed a different drug or brand of drug in lieu of that ordered or prescribed without the express permission in each case of the person ordering or prescribing such drug, except as provided below:

"(1) A licensed pharmacist in this state shall be permitted to select for the brand name drug product prescribed by a licensed physician or other practitioner who is located in this state and authorized by law to write prescriptions, hereinafter referred to as "practitioner," a less expensive pharmaceutically and therapeutically equivalent drug product containing the same active ingredient or ingredients, and of the same dosage form strength, in all cases where the practitioner expressly authorizes such selection in accordance with subdivision (4) of this section.

1 "(2) A licensed pharmacist located in this state
2 shall be permitted to select for the brand name drug product
3 prescribed by a practitioner who is located in another state
4 or licensing jurisdiction and who is authorized by the laws of
5 that state or jurisdiction to write prescriptions, a less
6 expensive pharmaceutically and therapeutically equivalent drug
7 product containing the same active ingredient or ingredients,
8 and of the same dosage form strength, in all cases where the
9 out-of-state licensed physician or other practitioner does not
10 expressly prohibit a substitution.

11 "(3) A pharmacist shall record on the prescription
12 form the name and manufacturer or distributor of any drug
13 product dispensed as herein authorized.

14 "(4)a. Every written prescription issued in this
15 state by a licensed practitioner shall contain two signature
16 lines. ~~Under one signature line shall be printed clearly the~~
17 ~~words "dispense as written."~~ ~~Under the other signature line~~
18 ~~shall be printed clearly the words "product selection~~
19 ~~permitted."~~ The One line shall indicate if the brand name is
20 meant to be dispensed, and the other shall indicate if a
21 product selection is permitted. The practitioner shall
22 communicate instructions to the pharmacist by signing on the
23 appropriate line. The State Board of Pharmacy shall not
24 promulgate any rule or regulation affecting the subject matter
25 of this subdivision.

1 "b. An oral or electronic prescription, including an
2 e-fax, from the practitioner shall instruct the pharmacist
3 whether or not a less expensive pharmaceutically and
4 therapeutically equivalent drug product may be dispensed. The
5 pharmacist shall note instructions on the file copy of the
6 prescription and retain the prescription form for the period
7 specified by law. The State Board of Pharmacy shall not
8 promulgate any rule or regulation affecting the subject matter
9 of this subdivision.

10 "(5) Unless otherwise indicated by the practitioner,
11 the prescription label on the dispensing container shall
12 indicate the actual drug product dispensed, either the brand
13 name, or if none, the generic name, and the name of the
14 manufacturer or a reasonable abbreviation of the name of the
15 manufacturer.

16 "(6) This shall not be interpreted to exclude the
17 use of a formulary or drug list as adopted and approved by a
18 medical staff in a licensed hospital with drugs provided
19 thereunder by procedures established for use within that
20 licensed hospital.

21 "(7) Any person who violates the provisions of this
22 section shall be punished by a fine of up to \$1,000."

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.

