

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2261

Session of
1988

INTRODUCED BY ITKIN, FOX, PRESTON, PISTELLA, ANGSTADT, VEON,
BELFANTI, COHEN, JOSEPHS, TRELLO, HALUSKA, DeLUCA, SEMMEL,
CORRIGAN, MICHLOVIC, J. L. WRIGHT, MAIALE, HOWLETT, SEVENTY,
DISTLER, SHOWERS, BATTISTO, RITTER, FARGO, MAINE, BOYES AND
MELIO, MARCH 21, 1988

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 21, 1988

AN ACT

1 Amending the act of November 24, 1976 (P.L.1163, No.259),
2 entitled "An act relating to the prescribing and dispensing
3 of generic equivalent drugs," further providing for the
4 manner of dispensing generically equivalent drugs.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 3(a) of the act of November 24, 1976
8 (P.L.1163, No.259), referred to as the Generic Equivalent Drug
9 Law, is amended to read:

10 Section 3. (a) Whenever a pharmacist receives a
11 prescription for a brand name drug he shall, unless requested
12 otherwise by the purchaser, substitute a less expensive
13 generically equivalent drug product listed in the formulary of
14 generic and brand name drug products developed by the Department
15 of Health as provided in section 5(b) unless the prescriber
16 indicates otherwise. The bottom of every prescription blank
17 shall be imprinted with the words "substitution permissible"

1 [and "do not substitute"] and shall contain [two] one signature
2 [lines] line for the physician's or other authorized
3 prescriber's signature [on the line immediately above the chosen
4 option]. The prescriber's signature shall validate the
5 prescription and, unless the prescriber handwrites "brand
6 necessary" or "brand medically necessary," shall designate
7 approval of substitution of a drug by a pharmacist pursuant to
8 this act. Imprinted conspicuously on the prescription blanks
9 shall be the words: "This prescription will be filled
10 generically unless the prescriber handwrites 'brand necessary'
11 or 'brand medically necessary' on the face of the prescription
12 blank." In the case of an oral prescription, there will be no
13 substitution if the prescriber expressly indicates to the
14 pharmacist that the brand name drug is necessary and
15 substitution is not allowed. Substitution of a less expensive
16 generically equivalent drug product shall be contingent on
17 whether the pharmacy has the brand name or generically
18 equivalent drug in stock.

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20 Section 2. This act shall take effect in 60 days.