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House of Representatives
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
VETERANS AFFAIRS &
EMERGENCY PREPAREDNESS,
MAJORITY CHAIRMAN

LIQUOR CONTROL
JOINT LEGISLATIVE BUDGET & FINANCE

CAUCUSES:

SCHOOL PROPERTY TAX RELIEF

MEMORANDUM

TO: All House Members
FROM: Representative Stephen Barrar 
SUBJECT: Introduction of Legislation—Substitutability of Opioid Analgesics
DATE: April 25, 2011

I am introducing legislation that would prohibit pharmacists from substituting opioid analgesic drugs for an opioid analgesic drug incorporating a tamper-resistance technology without verifying equivalence or obtaining the written, signed consent of the prescribing physician.

Opioid use and abuse has increased greatly in the United State since the 1990s and continues to rise. While the benefits of these products in treating and managing pain are widely recognized, the potential for misuse and abuse of these products has long been a concern of manufacturers, state and federal law enforcement, healthcare providers, legislators and regulators. Pharmaceutical manufacturers have invested research and development resources in developing technologies that help deter the inappropriate use of opioid medications and have created products that incorporate tamper-resistance technologies.

State law permits the substitution of a less expensive, generically equivalent drug for a brand-name drug unless requested otherwise by the patient or indicated otherwise by the prescribing physician. However, prescribing physicians should have the ability to write prescriptions for opioid products incorporating tamper-resistance technologies when, in their medical judgment, such prescriptions are in the best interest of the patient, and those medical judgments should not be undermined by inappropriate substitution at the pharmacy level.

My legislation would amend the Pharmacy Act to require the State Board of Pharmacy to publish a list of opioid analgesic drugs that incorporate tamper resistance technologies and determine which of such products provide substantially similar tamper-resistant properties. Pharmacists would be prohibited from substituting an opioid analgesic drug, brand, or generic for an opioid analgesic drug incorporating a tamper resistance technology without verifying equivalence based on the State Board of Pharmacy's list or obtaining the written, signed consent of the prescribing physician.

Please contact Gina Buffington in my office at 783-3038 or email gbuffing@pahousegop.com if you wish to co-sponsor this legislation.

SEB/gb