

1 HB69
2 197397-1
3 By Representative Mooney
4 RFD: Insurance
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

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8 SYNOPSIS: Under existing law, a written prescription
9 issued in this state is required to have two
10 signature lines for the practitioner.

11 This bill would provide that an electronic
12 prescription from a practitioner is also required
13 to specify whether a generic drug product may be
14 dispensed.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to prescriptions; to amend Section 34-23-8,
21 Code of Alabama 1975, to provide that an electronic
22 prescription from a practitioner specify whether a generic
23 product may be dispensed.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§34-23-8.

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

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

16 "(2) A licensed pharmacist located in this state
17 shall be permitted to select for the brand name drug product
18 prescribed by a practitioner who is located in another state
19 or licensing jurisdiction and who is authorized by the laws of
20 that state or jurisdiction to write prescriptions, a less
21 expensive pharmaceutically and therapeutically equivalent drug
22 product containing the same active ingredient or ingredients,
23 and of the same dosage form strength, in all cases where the
24 out-of-state licensed physician or other practitioner does not
25 expressly prohibit a substitution.

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

4 "(4) Every written prescription issued in this state
5 by a licensed practitioner shall contain two signature lines.
6 Under one signature line shall be printed clearly the words
7 "dispense as written." Under the other signature line shall be
8 printed clearly the words "product selection permitted." The
9 practitioner shall communicate instructions to the pharmacist
10 by signing on the appropriate line. The State Board of
11 Pharmacy shall not promulgate any rule or regulation affecting
12 the subject matter of this subdivision.

13 "An oral or electronic prescription from the
14 practitioner shall instruct the pharmacist whether or not a
15 less expensive pharmaceutically and therapeutically equivalent
16 drug product may be dispensed. The pharmacist shall note
17 instructions on the file copy of the prescription and retain
18 the prescription form for the period specified by law.

19 "(5) Unless otherwise indicated by the practitioner,
20 the prescription label on the dispensing container shall
21 indicate the actual drug product dispensed, either the brand
22 name, or if none, the generic name, and the name of the
23 manufacturer or a reasonable abbreviation of the name of the
24 manufacturer.

25 "(6) This shall not be interpreted to exclude the
26 use of a formulary or drug list as adopted and approved by a
27 medical staff in a licensed hospital with drugs provided

1 thereunder by procedures established for use within that
2 licensed hospital.

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

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