STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1503 By: Virgin

AS INTRODUCED

An Act relating to pharmacies; defining certain terms; permitting pharmacists to dispense substitute biological product under certain conditions; requiring State Board of Pharmacy to maintain certain list on its website; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.13B of Title 59, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, the terms "biological product", "biosimilar" and "interchangeable" have the same meanings as defined in Section 351 of the federal Public Health Service Act, 42 U.S.C., Section 262.

B. A pharmacist may only dispense a substitute biological product for the prescribed biological product if:

1. The United States Food and Drug Administration has determined that the substitute biological product is biosimilar to and interchangeable for the prescribed biological product;

2. The prescribing practitioner does not express a preference against substitution in writing, verbally or electronically;

3. The pharmacist notifies the person presenting the prescription of the substitution, together with the existence and amount of the retail price difference between the prescribed biological product and the prescribed biological product substituted for it, and informs such person that he or she may refuse the substitution;

4. The pharmacist in writing or electronically notifies the prescribing practitioner within five (5) days of filling the substitute biological product; and

5. The pharmacist retains a written or electronic record of the substitution for at least two (2) years.

C. A pharmacist shall comply with the notification provisions of paragraph 3 of subsection B of this section by entering the substitution in the institution's written medical record system or electronic medical record system.

D. The State Board of Pharmacy shall maintain on its public website a current list of biological products that the United States Food and Drug Administration has determined are biosimilar and

interchangeable as provided in paragraph 1 of subsection B of this section.

SECTION 2. This act shall become effective November 1, 2015.

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