No. 1988-154

AN ACT

HB 2261

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

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

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

Section 3. (a) Whenever a pharmacist receives a prescription for a brand name drug he shall, unless requested otherwise by the purchaser, substitute a less expensive generically equivalent drug product listed in the formulary of generic and brand name drug products developed by the Department of Health as provided in section 5(b) unless the prescriber indicates otherwise. The bottom of every prescription blank shall be imprinted with the words "substitution permissible" **[and "do not substitute"]** and shall contain **[two]** ***one*** signature **[lines]** ***line*** for the physician's or other authorized prescriber's signature **[on the line immediately above the chosen option]**. ***The prescriber's signature shall validate the prescription and, unless the prescriber handwrites "brand necessary" or "brand medically necessary," shall designate approval of substitution of a drug by a pharmacist pursuant to this act. Imprinted conspicuously on the prescription blanks shall be the words: "In order for a brand name product to be dispensed, the prescriber must handwrite 'brand necessary' or 'brand medically necessary' in the space below." All information printed on the prescription blank shall be in eight-point uppercase print.*** In the case of an oral prescription, there will be no substitution if the prescriber expressly indicates to the pharmacist that the brand name drug is necessary and substitution is not allowed. Substitution of a less expensive generically equivalent drug product shall be contingent on whether the pharmacy has the brand name or generically equivalent drug in stock.

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Section 2. It shall be the duty of the Department of Health, within 30 days after the effective date of this section, to send a written notice to each duly licensed physician, dentist, veterinarian and other practitioner licensed in this Commonwealth to write prescriptions intended for the treatment or prevention of disease in man or animals, hereinafter referred to as a prescriber, informing the prescriber of the provisions of this amendatory act, and informing the prescriber that the enactment of this amendatory act does not preclude a prescriber from prescribing a brand name drug if, in the opinion of the prescriber, the use of the brand name drug is in the best medical interest of the patient.

Section 3. This act shall take effect as follows:

(1) Section 2 and this section shall take effect immediately.

(2) Section 1 shall take effect July 1, 1989.

APPROVED—The 15th day of December, A. D. 1988.

ROBERT P. CASEY