

Article 43 - Health
Section 273A
Annotated Code of Maryland
(1971 Replacement Volume and 1976 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 273A of Article 43 - Health, of the Annotated Code of Maryland (1971 Replacement Volume and 1976 Supplement) be and it is hereby repealed:

Article 43 - Health

[273A.

(a) As used in this section, "brand name" means the proprietary name the manufacturer places upon a drug product or on its container, label or wrapping at the time of packaging; and "established name" shall have the same meaning as assigned that term by the Federal Food, Drug and Cosmetic Act as amended, Title 21 U.S.C. 301 et seq.

(b) Unless the physician or other authorized prescriber explicitly states otherwise when transmitting an oral prescription or in the instance of a written prescription, indicates in his own writing or by initialing an appropriate imprinted statement, a different brand name or nonbrand name drug product of the same established name may be dispensed by a pharmacist. Except in the case of medical assistance prescriptions, such action by the pharmacist shall be authorized only if in each case the pharmacist immediately transmits notice in writing to the prescriber specifying the drug product actually dispensed and the name of the manufacturer or distributor.

(c) The provisions of this section shall only apply to those drug products included in the Maryland Medical Assistance Formulary determined by the Maryland Department of Health and Mental Hygiene on the basis of scientific evidence to be clinically equivalent and those multiple-source drugs as finally determined and published by the Pharmaceutical Reimbursement Board, United States Department of Health, Education, and Welfare.

(d) In any instance in which the pharmacist, pursuant to this section, dispenses a different drug product from that prescribed, the pharmacist shall pass on the full savings in cost, being the difference between the wholesale prices of the two drug products, to the consumer.]

SECTION 2. AND BE IT FURTHER ENACTED, That new Section 273A be and it is hereby added to Article 43 - Health, of the Annotated Code of Maryland (1971 Replacement Volume and 1976 Supplement) to read as follows: