273A.

(A) (1) IN THIS SECTION, THE FOLLOWING PHRASES HAVE THE MEANINGS INDICATED.

(2) "BRAND NAME" MEANS THE PROPRIETARY NAME A MANUFACTURER PLACES ON A DRUG PRODUCT OR ITS CONTAINER.

(3) "ESTABLISHED NAME" HAS THE SAME DEFINITION AS THAT ASSIGNED IN THE FEDERAL FOOD, DRUG AND COSMETIC ACT, AS AMENDED, TITLE 21 UNITED STATES CODE BEGINNING AT SECTION 301.

(B) ~~(1)~~ IN FILLING A PRESCRIPTION FOR A BRAND NAME DRUG PRODUCT, A PHARMACIST MAY DISPENSE A DIFFERENT, LOWER COST, DRUG PRODUCT OF THE SAME DOSAGE FORM AND STRENGTH IF~~, IN HIS PROFESSIONAL JUDGMENT,~~ THE DIFFERENT DRUG PRODUCT IS GENERICALLY EQUIVALENT. THE PHARMACIST SHALL PASS ANY SAVINGS IN COST ON TO THE CONSUMER.

~~(2) IN FILLING A PRESCRIPTION WRITTEN GENERICALLY, THE PHARMACIST SHALL DISPENSE THE LOWEST RETAIL COST GENERIC EQUIVALENT DRUG IN STOCK.~~

(C) THE PROVISIONS OF ~~(A)~~ (B) DO NOT APPLY IF THE PRESCRIBER EXPRESSLY INDICATES ~~ON THE PRESCRIPTION~~ THAT THE PRESCRIPTION IS TO BE DISPENSED AS ~~WRITTEN~~ DIRECTED.

(D) (1) THE PHARMACIST SHALL NOTIFY THE PATIENT IN WRITING IF THE DRUG DISPENSED IS A GENERIC EQUIVALENT OF THE PRESCRIBED DRUG.

(2) WHENEVER A DIFFERENT DRUG PRODUCT IS DISPENSED IN ACCORDANCE WITH (B), THE PHARMACIST SHALL RECORD ON THE PRESCRIPTION AND MAINTAIN AS A RECORD THE NAME AND MANUFACTURER OF THE DRUG PRODUCT DISPENSED.

(E) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL ESTABLISH A LIST OF DRUGS FOR WHICH DRUG PRODUCT SELECTION IS RESTRICTED OR PROHIBITED. THIS FORMULARY SHALL CONTAIN THOSE DRUGS FOR WHICH THERE IS EVIDENCE OF ACTUAL OR POTENTIAL BIO-INEQUIVALENCY OF THERAPEUTIC SIGNIFICANCE. THE FORMULARY MAY BE ADDED TO OR DELETED FROM AS NECESSARY BUT SHALL BE UPDATED AT LEAST ONCE EVERY SIX MONTHS.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be implemented until January 1, 1978.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3., this Act shall take effect July 1, 1977.