

Mental Hygiene to establish certain drug formularies; providing for the revision and distribution of the formularies; and requiring the Department to educate the public concerning the provisions of this Act, if necessary, and to monitor the effects of the Act.

BY repealing and reenacting, with amendments,

Article 43 - Health
Section 273A(b) and (e)
Annotated Code of Maryland
(1971 Replacement Volume and 1978 Supplement)

BY adding to

Article 43 - Health
Section 273A(a) ~~(4)~~ and (f)
Annotated Code of Maryland
(1971 Replacement Volume and 1978 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 43 - Health

273A.

~~(a) (4) "SAVINGS" MEANS THE DIFFERENCE BETWEEN THE ACTUAL ACQUISITION COST OF AN EQUIVALENT DRUG PRODUCT AND THE RETAIL COST OF THE BRAND NAME DRUG.~~

(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 the different drug product is generically equivalent. [The pharmacist shall pass any savings in cost on to the consumer.]

~~(2) ANY PHARMACIST SUBSTITUTING A LESS EXPENSIVE EQUIVALENT DRUG PRODUCT SHALL PASS ON TO THE CONSUMER NO LESS THAN 75 PERCENT OF THE AMOUNT OF THE SAVINGS REALIZED BY THE SUBSTITUTION. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL ESTABLISH AND IMPLEMENT A PROCEDURE FOR A RANDOM AUDIT OF PHARMACISTS TO INSURE COMPLIANCE WITH THIS PROVISION. THE PHARMACIST MAY NOT SELECT AN EQUIVALENT DRUG PRODUCT UNLESS ITS PRICE TO THE PURCHASER IS LESS THAN THE PRICE OF THE PRESCRIBED DRUG PRODUCT.~~

(3) ANY PHARMACIST WHO SELECTS AN EQUIVALENT DRUG PURSUANT TO THIS SECTION INCURS NO GREATER LIABILITY IN FILLING THE PRESCRIPTION BY DISPENSING THE EQUIVALENT DRUG PRODUCT THAN WOULD BE INCURRED IN FILLING THE PRESCRIPTION BY DISPENSING THE BRAND NAME DRUG PRESCRIBED.