(B) (1) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, ~~AN EMPLOYEE OF THE PHARMACY OR~~ A PHARMACIST, *OR THE PHARMACIST'S DESIGNEE, WHO IS UNDER THE DIRECT SUPERVISION OF THE PHARMACIST,* SHALL ~~ADVISE THE~~ INFORM A RETAIL CONSUMER TO THE BEST OF THE PHARMACIST'S *OR THE PHARMACIST'S DESIGNEE'S* KNOWLEDGE OF THE AVAILABILITY OF A GENERICALLY EQUIVALENT DRUG AND SHALL ~~ADVISE THE~~ INFORM A RETAIL CONSUMER OF THE APPROXIMATE COST DIFFERENCE AS COMPARED TO THE BRAND NAME DRUG.

(2) THE BOARD SHALL ADOPT PROCEDURES FOR:

(I) A CONSUMER TO NOTIFY THE BOARD WHEN A PHARMACIST FAILS TO PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) ADVISING A PHARMACIST TO BRING THE PHARMACIST INTO COMPLIANCE WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.

(3) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY:

(I) TO A PRESCRIPTION THAT IS WRITTEN FOR A GENERIC DRUG;

(II) WHEN THE AUTHORIZED PRESCRIBER STATES EXPRESSLY THAT THE PRESCRIPTION IS TO BE DISPENSED ONLY AS DIRECTED;

(III) TO A PHARMACIST WHO WORKS IN A PHARMACY, WHETHER CENTRALIZED OR DECENTRALIZED, WHICH PRIMARILY SERVES PUBLIC OR PRIVATE INSTITUTIONAL RECIPIENTS; OR

(IV) WHEN THE COST OF THE PRESCRIPTION IS REIMBURSED BY A THIRD PARTY PAYER, INCLUDING MEDICAL ASSISTANCE.

[(b)**]** (C) A pharmacist may substitute a generically equivalent drug or device product, of the same dosage form and strength, for any brand name drug or device product prescribed, if:

(1) The authorized prescriber does not state expressly that the prescription is to be dispensed only as directed;

(2) The substitution is recognized in the United States Food and Drug Administration's current list of approved drug or device products with therapeutic equivalence evaluations; and

(3) The consumer is charged less for the substituted drug or device than the price of the brand name drug or device.

[(c)**]** (D) If a drug or device product is substituted under this section, the pharmacist shall:

(1) Notify the patient in writing that the drug or device product dispensed is a generic equivalent of the prescribed drug or device product; and

(2) Record on the prescription and keep a record of the name and manufacturer of the substituted drug or device product.