CHAPTER 311

(House Bill 384)

AN ACT concerning

Pharmacists – Authorization to Substitute Generically Equivalent Drug Products

FOR the purpose of authorizing substitute prescription drugs from the federal Food and Drug Administration (FDA) drug list rather than from the Department of Health and Mental Hygiene's drug formulary list; authorizing the Department to add and delete particular drugs from the FDA's list under certain circumstances; authorizing deletion of a particular drug on an emergency basis under certain circumstances; requiring the Department to provide an opportunity for public comment *in accordance with a certain provision of law* under certain circumstances; requiring certain notification to patients; limiting pharmacist liability; *providing for the application of this Act;* and generally relating to substitute generically equivalent drug products.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12–508

Annotated Code of Maryland

(1991 Replacement Volume and 1991 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

12–508.

(a) [(1)] In this section, [the following words have the meanings indicated.

(2) "Brand] "BRAND name" means the proprietary name a manufacturer places on a drug product or its container.

[(3) "Commissioner of Food and Drugs" means the Commissioner of Food and Drugs of the United States Food and Drug Administration.]

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

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