

1 HB69  
2 197397-2  
3 By Representative Mooney  
4 RFD: Insurance  
5 First Read: 05-MAR-19  
6 PFD: 03/04/2019

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to prescriptions; to amend Section 34-23-8,  
9 Code of Alabama 1975, to provide that an electronic  
10 prescription from a practitioner specify whether a generic  
11 product may be dispensed.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 34-23-8, Code of Alabama 1975, is  
14 amended to read as follows:

15 "§34-23-8.

16 "No person shall dispense or cause to be dispensed a  
17 different drug or brand of drug in lieu of that ordered or  
18 prescribed without the express permission in each case of the  
19 person ordering or prescribing such drug, except as provided  
20 below:

21 "(1) A licensed pharmacist in this state shall be  
22 permitted to select for the brand name drug product prescribed  
23 by a licensed physician or other practitioner who is located  
24 in this state and authorized by law to write prescriptions,  
25 hereinafter referred to as "practitioner," a less expensive  
26 pharmaceutically and therapeutically equivalent drug product  
27 containing the same active ingredient or ingredients, and of

1 the same dosage form strength, in all cases where the  
2 practitioner expressly authorizes such selection in accordance  
3 with subdivision (4) of this section.

4 "(2) A licensed pharmacist located in this state  
5 shall be permitted to select for the brand name drug product  
6 prescribed by a practitioner who is located in another state  
7 or licensing jurisdiction and who is authorized by the laws of  
8 that state or jurisdiction to write prescriptions, a less  
9 expensive pharmaceutically and therapeutically equivalent drug  
10 product containing the same active ingredient or ingredients,  
11 and of the same dosage form strength, in all cases where the  
12 out-of-state licensed physician or other practitioner does not  
13 expressly prohibit a substitution.

14 "(3) A pharmacist shall record on the prescription  
15 form the name and manufacturer or distributor of any drug  
16 product dispensed as herein authorized.

17 "(4)a. Every written prescription issued in this  
18 state by a licensed practitioner shall contain two signature  
19 lines. ~~Under one signature line shall be printed clearly the~~  
20 ~~words "dispense as written."~~ ~~Under the other signature line~~  
21 ~~shall be printed clearly the words "product selection~~  
22 ~~permitted."~~ The One line shall indicate if the brand name is  
23 meant to be dispensed, and the other shall indicate if a  
24 product selection is permitted. The practitioner shall  
25 communicate instructions to the pharmacist by signing on the  
26 appropriate line. ~~The State Board of Pharmacy shall not~~

1 ~~promulgate any rule or regulation affecting the subject matter~~  
2 ~~of this subdivision.~~

3 "b. An oral or electronic prescription, including an  
4 e-fax, from the practitioner shall instruct the pharmacist  
5 whether or not a less expensive pharmaceutically and  
6 therapeutically equivalent drug product may be dispensed. The  
7 pharmacist shall note instructions on the file copy of the  
8 prescription and retain the prescription form for the period  
9 specified by law. The State Board of Pharmacy shall not  
10 promulgate any rule or regulation affecting the subject matter  
11 of this subdivision.

12 "(5) Unless otherwise indicated by the practitioner,  
13 the prescription label on the dispensing container shall  
14 indicate the actual drug product dispensed, either the brand  
15 name, or if none, the generic name, and the name of the  
16 manufacturer or a reasonable abbreviation of the name of the  
17 manufacturer.

18 "(6) This shall not be interpreted to exclude the  
19 use of a formulary or drug list as adopted and approved by a  
20 medical staff in a licensed hospital with drugs provided  
21 thereunder by procedures established for use within that  
22 licensed hospital.

23 "(7) Any person who violates the provisions of this  
24 section shall be punished by a fine of up to \$1,000."

25 Section 2. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Insurance ..... 05-MAR-19

Read for the second time and placed  
on the calendar 1 amendment ..... 18-APR-19

Read for the third time and passed  
as amended..... 02-MAY-19

Yeas 96, Nays 1, Abstains 1

Jeff Woodard  
Clerk