GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS75140-LU-78A (03/15)

Short Title:	Prescription Integrity Act.	(Public)
Sponsors:	Senator Mansfield.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT CLARIFYING UNDER WHAT CIRCUMSTANCES THE SUBSTITUTION OF GENERIC PRESCRIPTION DRUGS IS ALLOWED UNDER THE PHARMACY PRACTICE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-85.27(1) reads as rewritten:

"**§ 90-85.27. Definitions.**

As used in G.S. 90-85.28 through G.S. 90-85.31:

(1) "Equivalent drug product" means a drug product which has the same established name, active ingredient, strength, quantity, and dosage form, and which is listed as therapeutically equivalent to the drug product identified in the ~~prescription;~~prescription under the most recent version of the Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations;".

SECTION 2. G.S. 90-85.28 is amended by adding a new subsection to read:

"(b2) A pharmacist may not substitute any drug product that is not an equivalent drug product identified on the prescription unless, before making the substitution, the pharmacist does each of the following:

(1) Obtains and documents the prescriber's written or verbal consent.

(2) Obtains and documents the patient's written or verbal consent, either directly or through an authorized representative.

(3) Maintains documentation of prescriber and patient consent on file in accordance with the provisions of G.S. 90-85.26.

As used in this subsection, 'substitution' refers to the selection and dispensing of a drug product that is different from the drug product prescribed."

SECTION 3. This act is effective when it becomes law.