

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

1

SENATE BILL 718

Short Title: Prescription Integrity Act. (Public)

Sponsors: Senators Mansfield; and Pate.

Referred to: Health Care.

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING UNDER WHAT CIRCUMSTANCES THE SUBSTITUTION OF
3 GENERIC PRESCRIPTION DRUGS IS ALLOWED UNDER THE PHARMACY
4 PRACTICE ACT.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 90-85.27. Definitions.**

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

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

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

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

- 19 (1) Obtains and documents the prescriber's written or verbal consent.
20 (2) Obtains and documents the patient's written or verbal consent, either directly
21 or through an authorized representative.
22 (3) Maintains documentation of prescriber and patient consent on file in
23 accordance with the provisions of G.S. 90-85.26.

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

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

