

House Bill 194

By: Representatives Millar of the 79<sup>th</sup>, Cooper of the 41<sup>st</sup>, Rice of the 51<sup>st</sup>, Hugley of the 133<sup>rd</sup>, and Teilhet of the 40<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 26-4-81 of the Official Code of Georgia Annotated, relating to  
2 substitution of generic drugs for brand name drugs, so as to provide that when a substitution  
3 is made certain information relative to the substitution must appear on the prescription label  
4 and be affixed to the container or an auxiliary label; to provide for related matters; to provide  
5 an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 26-4-81 of the Official Code of Georgia Annotated, relating to substitution of  
9 generic drugs for brand name drugs, is amended by revising subsection (d) as follows:

10 "(d)(1) Whenever a substitution is made, the pharmacist shall record on the original  
11 prescription the fact that there has been a substitution and the identity of the dispensed  
12 drug product and its manufacturer. Such prescription shall be made available for  
13 inspection by the board or its representative in accordance with the rules of the board.

14 (2) If a pharmacist substitutes a generic drug product for a brand name prescribed drug  
15 product when dispensing a prescribed medication, the brand name and the generic name  
16 of the drug product and its manufacturer, with an explanation of 'generic for (insert name  
17 of brand name prescribed drug product)' or similar language to indicate substitution has  
18 occurred, must appear on the prescription label and be affixed to the container or an  
19 auxiliary label, unless the prescribing practitioner indicated that the name of the drug may  
20 not appear upon the prescription label."

21 **SECTION 2.**

22 This Act shall become effective on October 1, 2009.

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.