House Bill 194 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

(2) If a pharmacist substitutes a generic drug product for a brand name prescribed drug product when dispensing a prescribed medication, the brand name and the generic name of the drug product, with an explanation of 'generic for (insert name of brand name prescribed drug product)' or similar language to indicate substitution has occurred, must appear on the prescription label and be affixed to the container or an auxiliary label, unless the prescribing practitioner indicated that the name of the drug may not appear upon the prescription label; provided, however, that this paragraph shall not apply to medication dispensed for in-patient hospital services or to medications in specialty packaging for dosing purposes as defined by the board."

SECTION 2.

This Act shall become effective on October 1, 2010.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.