

## HOUSE BILL NO. 195

INTRODUCED BY K. HOLMLUND, D. BARTEL, B. BROWN, E. MCCLAFFERTY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PHARMACY CUSTOMERS TO BE NOTIFIED WHEN CERTAIN GENERIC PRESCRIPTION DRUGS ARE BEING DISPENSED; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 37-7-505 AND 37-7-506, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 37-7-505, MCA, is amended to read:

**"37-7-505. Product selection permitted -- limitation -- notification.** (1) Except as limited by subsection (2) and unless instructed otherwise by the purchaser, the pharmacist who receives a prescription for a specific drug product by brand or proprietary name may select a less expensive drug product with the same generic name, strength, quantity, dose, and dosage form as the prescribed drug that is, in the pharmacist's professional opinion, therapeutically equivalent, bioequivalent, and bioavailable.

(2) If, in the professional opinion of the prescriber, it is medically necessary that an equivalent drug product not be selected, the prescriber may ~~so~~ indicate the need for specificity by certifying that the specific brand-name drug product is medically necessary for that particular patient. In the case of a prescription transmitted orally, the prescriber ~~must~~ shall expressly indicate to the pharmacist that the brand-name drug product prescribed is medically necessary.

(3) Whenever a prescriber writes a prescription for a generic drug that is rated less than A or AB in the most recent version of the United States food and drug administration's list of approved drug products with therapeutic equivalence evaluations, the dispensing pharmacy shall notify the customer that the generic drug is rated less than A or AB.

**Section 2.** Section 37-7-506, MCA, is amended to read:

**"37-7-506. Notice to purchaser.** (1) A pharmacist who selects a drug product, as provided in 37-7-505, shall notify the person presenting the prescription that the person may refuse the product selection as provided in 37-7-505.

(2) Each pharmacy shall display in a prominent place that is in clear and unobstructed public view, at

1 or near the place where prescriptions are dispensed, a sign stating: "This pharmacy may be able to select a less  
2 expensive drug product that is equivalent to the one prescribed by your physician unless you or your physician  
3 request otherwise." The printing on the sign must be in block letters not less than 1 inch in height.

4 (3) To comply with 37-7-505(3), a specific notice, not the sign required under subsection (2), is  
5 necessary for a drug dispensed that is rated less than A or AB in the most recent version of the United States  
6 food and drug administration's list of approved drug products with therapeutic equivalence evaluations."

7 - END -