SENATE BILL NO. 114
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION
BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY REQUEST

Introduced: 3/12/07
Referred: Labor and Commerce, Health, Education and Social Services

A BILL
FOR AN ACT ENTITLED
"An Act relating to the substitution by a pharmacist of an equivalent drug product."

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

* Section 1. AS 08.80.295(a) is amended to read:

(a) Subject to the additional requirements of (c) of this section, unless [UNLESS] the prescription indicates that it is to be dispensed only as written, the pharmacist may, with the consent of the patient or, if the patient is a minor, the patient's parent or guardian, substitute an equivalent drug product.

* Sec. 2. AS 08.80.295 is amended by adding a new subsection to read:

(c) A pharmacist may not substitute an equivalent drug product for a drug prescribed for epilepsy or for the treatment of seizures under (a) of this section unless the pharmacist first obtains the oral or written agreement of the prescriber. If the prescriber is unavailable to discuss a substitution of the prescribed drug, the pharmacist may fill the prescription for an amount of the substituted drug that would cover 72 hours of treatment after notifying the prescriber of the desired substitution and while waiting for a response from the prescriber. After 72 hours, if the prescriber
is still not available to review the prescription, the pharmacist may extend the
prescription for the substituted drug for another 72 hours, after which the pharmacist
must fill the prescription as originally written if agreement for the substituted drug is
not obtained from the prescriber.

* Sec. 3. AS 17.20.105(b) is amended to read:
(b) **Except as provided in (c) of this section, in** preparing a prescription,
a pharmacist may not substitute a drug for a registered brand or trade name product
specified unless the pharmacist obtains permission from the author of the prescription;
but if the prescribing physician, osteopathic physician, dentist, or veterinarian is
temporarily unavailable, the pharmacist may, if unable to supply the drug requested,
substitute a drug or preparation of approximately equal therapeutic value so long as
the pharmacist notifies the author of the prescription at an early opportunity.

* Sec. 4. AS 17.20.105 is amended by adding a new subsection to read:
(c) A pharmacist may not substitute an equivalent drug product for a drug
prescribed for epilepsy or for the treatment of seizures under (b) of this section unless
the pharmacist first obtains the oral or written agreement of the prescriber and the
consent of the patient or, if the patient is a minor, consent of the patient's parent or
guardian. If the prescriber is unavailable to discuss a substitution of the prescribed
drug, the pharmacist may fill the prescription for an amount of the substituted drug
that would cover 72 hours of treatment after notifying the prescriber of the desired
substitution and while waiting for a response from the prescriber. After 72 hours, if the
prescriber is still not available to review the prescription, the pharmacist may extend
the prescription for the substituted drug for another 72 hours, after which the
pharmacist must fill the prescription as originally written if agreement for the
substituted drug is not obtained from the prescriber.