

Wednesday 3/25/85

H. F. 315 substituted 3/25 (p. 1026)

SENATE FILE **439**

BY COMMITTEE ON HUMAN RESOURCES

FORMERLY SSB 248 *Approved 3/15/85 (p. 150)*

FILED MAR 18 1985

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to drug product selection.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S-3466

SENATE FILE 439

1 Amend Senate File 439 as follows:

2 1. Page 1, by striking lines 12 through 15 and
3 inserting the following: "therapeutically equivalent
4 to the prescribed drug product so as to provide
5 essentially the same therapeutic effect, when
6 administered in the same amounts, as measured by the
7 control of a symptom or disease. If the pharmacist
8 does so, the pharmacist shall pass on to the patient
9 or the patient's adult representative no less than
10 fifty percent of the savings which results from the
11 product selection."

12 2. Page 1, by striking lines 27 through 30.

S-3466 Filed March 25, 1985

By CARR

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1 Section 1. Section 155.36, Code 1985, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 155.36 DRUG PRODUCT SELECTION.

5 1. If a physician, dentist, podiatrist or veterinarian
6 prescribes, in writing or orally, a drug by either its brand
7 or trade name, the pharmacist may exercise professional judg-
8 ment, in the economic interest of the patient or the patient's
9 adult representative who is purchasing the prescription, by
10 selecting a drug product which contains essentially identical
11 amounts of the identical active ingredient and which is
12 therapeutically equivalent to the prescribed drug product. If
13 the pharmacist does so, the patient or the patient's adult
14 representative shall be informed of the savings which the pa-
15 tient will obtain as a result of the product selection.

16 2. The pharmacist shall not exercise drug product selec-
17 tion under this section if either of the following occur:

18 a. The prescriber specifically indicates that no drug
19 product selection shall be made.

20 b. The person presenting the prescription indicates that
21 only the specific drug product prescribed shall be dispensed.

22 3. If selection of a generically equivalent product is
23 made under this section, the pharmacist making the selection
24 shall note that fact and the name of the manufacturer of the
25 selected drug on the prescription order presented by the pa-
26 tient or the patient's adult representative.

27 4. A third-party prescription drug program, through an
28 administrative or reimbursement policy, shall not require the
29 pharmacist to select a drug product which, in the pharmacist's
30 professional judgment, is not in the patient's best interest.

31 5. Pharmacists, if authorized by a prescriber, may
32 exercise professional judgment by selecting products which are
33 therapeutic alternates to the brand or trade name product pre-
34 scribed by the prescriber.

35 Sec. 2. Section 155.37, Code 1985, is repealed.

EXPLANATION

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This bill permits a pharmacist to select a drug product containing identical amounts of the identical active ingredient and which is therapeutically equivalent to a prescribed drug product unless prohibited by a prescriber or person purchasing the prescription. A third-party prescription drug program is prohibited from requiring a pharmacist to select a drug which is not in a patient's best interest, in the judgment of the pharmacist. A pharmacist, if authorized, is also permitted to select a therapeutic alternate.

S-3331

SENATE FILE 439

- 1 Amend Senate File 439 as follows:
2 1. Page 1, by inserting after line 34, the
3 following:
4 "The pharmacist shall post a visual sign in a
5 conspicuous place at the pharmacist's place of
6 business indicating that the pharmacist is allowed to
7 select an identical drug product under conditions and
8 specifications of this Act."

S-3331 Filed
March 18, 1985

By LIND

Placed o/c 3/25 (p. 1026)

S-3332

SENATE FILE 439

- 1 Amend Senate File 439 as follows:
2 1. Page 1, line 10, by striking the word
3 "essentially".

S-3332 Filed
March 18, 1985

By LIND

Placed o/c

S-3445

SENATE FILE 439

- 1 Amend Senate File 439 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "product" the following: "so as to provide
4 essentially the same therapeutic effect, when
5 administered in the same amounts, as measured by the
6 control of a symptom or disease".
7 2. Page 1, line 13, by inserting after the word
8 "so," the following: "the pharmacist shall pass on
9 to".
10 3. Page 1, by striking lines 14 and 15, and
11 inserting the following: "representative no less
12 than fifty percent of the savings which results from
13 the product selection".
14 4. Page 1, by striking lines 27 through 30.

S-3445 Filed March 22, 1985

By CARR

Adopted 3/25/85 (p. 1026)

SENATE 4
MARCH 18, 1985

S-3330

SENATE FILE 439

1 Amend Senate File 439 as follows:
2 1. Page 1, line 18, by striking the word
3 "prescriber" and inserting the following: "physician,
4 dentist, podiatrist or veterinarian".

S-3330 Filed
March 18, 1985
Placed o/c 3/25 (71026)

By LIND

S-3329

SENATE FILE 439

1 Amend Senate File 439 as follows:
2 1. Page 1, line 20, by striking the word "person"
3 and inserting the following: "patient or patient's
4 adult representative".

S-3329 Filed
March 18, 1985
Placed o/c

By LIND

S-3328

SENATE FILE 439

1 Amend Senate File 439 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "product" the following: "if the same manufacturer
4 manufactures both the prescribed drug product and the
5 identical drug product".

S-3328 Filed
March 18, 1985
Placed o/c

By LIND

S-3327

SENATE FILE 439

1 Amend Senate File 439 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "product." the following: "The selection shall be
4 made after the pharmacist meets with the patient or
5 patient's adult representative personally."

S-3327 Filed
March 18, 1985
Placed o/c

By LIND

SSB 248

HUMAN RESOURCES: Carr. Chair; Bruner and Vande Hoef

SSB 248

Human Res.

SENATE FILE 439

BY (PROPOSED COMMITTEE ON HUMAN RESOURCES BILL)

Nav
SF 439

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

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