

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-3408.03 of the Code of Virginia, relating to prescription drugs;*
3 *dispensing of therapeutically equivalent drug products; provisions for return of outdated drugs.*

4 [H 2378]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 54.1-3408.03 of the Code of Virginia is amended and reenacted as follows:**8 **§ 54.1-3408.03. Dispensing of therapeutically equivalent drug product permitted.**

9 A. A pharmacist may dispense a therapeutically equivalent drug product for a prescription that is written
10 for a brand-name drug product unless (i) the prescriber indicates such substitution is not authorized by
11 specifying on the prescription, "brand medically necessary" or (ii) the patient insists on the dispensing of the
12 brand-name drug product.

13 In the case of an oral prescription, the prescriber's oral dispensing instructions regarding substitution shall
14 be followed.

15 B. Prescribers using prescription blanks printed in compliance with Virginia law in effect on June 30,
16 2003, having two check boxes and referencing the Virginia Voluntary Formulary, may indicate, until July 1,
17 2006, that substitution is not authorized by checking the "Dispense as Written" box. If the "Voluntary
18 Formulary Permitted" box is checked on such prescription blanks or if neither box is checked, a pharmacist
19 may dispense a therapeutically equivalent drug product pursuant to such prescriptions.

20 C. If the pharmacist dispenses a drug product other than the brand name prescribed, he shall so inform the
21 purchaser and shall indicate, unless otherwise directed by the prescriber, on both his permanent record and
22 the prescription label, the brand name or, in the case of a therapeutically equivalent drug product, the name of
23 the manufacturer or the distributor. Whenever a pharmacist dispenses a therapeutically equivalent drug
24 product pursuant to a prescription written for a brand-name product, the pharmacist shall label the drug with
25 the name of the therapeutically equivalent drug product followed by the words "generic for" and the brand
26 name of the drug for which the prescription was written.

27 D. When a pharmacist dispenses a drug product other than the drug product prescribed, the dispensed drug
28 product shall be at a lower retail price than that of the drug product prescribed. Such retail price shall not
29 exceed the usual and customary retail price charged by the pharmacist for the dispensed therapeutically
30 equivalent drug product.

31 *E. A therapeutically equivalent drug shall be eligible for dispensing only if the manufacturer has*
32 *established adequate provisions for the return of outdated drugs, through the distributor or otherwise, by*
33 *pharmacies. Such provisions shall permit pharmacies to return drugs in both full and partial containers up to*
34 *six months after the label expiration date for full credit or replacement.*

ENROLLED

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