HOUSE . . . . . No. 182

Accompanying the twelfth recommendation of the Department of Public Health (House, No. 170). Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT AMENDING THE DRUG FORMULARY LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out section 12D and inserting therefor the following: –

Section 12D. A pharmacist shall on receipt of an oral or written prescription containing the name of a drug indicated by brand or genericly, dispense an equivalent generic drug listed in the formulary prepared by the drug formulary commission under section thirteen of chapter seventeen, which is the least expensive such drug. If in the opinion of a physician an equivalent generic drug should not be dispensed, he may indicate in the manner of his choice on the prescription "Do Not Substitute" except that the indication shall not be pre-printed on a prescription.

SECTION 2. Section 13 of chapter 17 of the General Laws as inserted by Chapter 717 of the acts of 1970, is hereby amended by striking out the word "five" in the first sentence and substituting therefor the word: – seven.

SECTION 3. Said section 13 is further amended by striking out the second sentence and substituting therefor the following sentence: – Five members of the commission shall be individuals possessing recognized competence in the rendering of professional services under, or the administration of, state health programs at least one of whom shall be a registered pharmacist, and two members shall be selected from the public sector, one of whom shall represent the elderly; provided that not less than three members shall be practicing members of the professions

authorized to render professional health services under state-financed health programs.

SECTION 4. Said section 13 is further amended by adding at the end of the fifth sentence thereof the following: – except when such patented drugs are available from more than one manufacturer.

SECTION 5. Said section 13 is further amended by adding a the end of the second paragraph thereof, the following sentence:– The commission shall promulgate such regulations and formularies as may be necessary to carry out the purposes of the formulary, with the approval of the commissioner.