

Delete lines 22-36 of page 1 AND line 1 of page 2 of Dr. Magie's amended (as engrossed 2/8/17) HB 1204, replace and re-number with:

(24) "ACTIVE NOTIFICATION" MEANS COMMUNICATION TO A PRESCRIBER THAT AN INTERCHANGEABLE BIOLOGICAL PRODUCT HAS BEEN SUBSTITUTED, USING FACSIMILE, TELEPHONE, OR ELECTRONIC TRANSMISSION. THE NOTIFICATION SHALL INCLUDE THE NAME OF THE SPECIFIC BIOLOGICAL PRODUCT DISPENSED TO THE PATIENT."

(25) "BIOLOGICAL PRODUCT" MEANS A BIOLOGICAL PRODUCT AS DEFINED IN SUBSECTION (I) OF SECTION 351 OF THE PUBLIC HEALTH SERVICE ACT, 42 U.S.C. SECTION 262(I).

(26) "INTERCHANGEABLE BIOLOGICAL PRODUCT" MEANS A BIOLOGICAL PRODUCT LICENSED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION PURSUANT TO 42 U.S.C. SECTION 262(K)(4) AS SET FORTH IN THE LATEST EDITION OR SUPPLEMENT OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION LISTS OF LICENSED BIOLOGICAL PRODUCTS WITH REFERENCE PRODUCT EXCLUSIVITY AND BIOSIMILARITY OR INTERCHANGEABILITY EVALUATIONS, SOMETIMES REFERRED TO AS THE "PURPLE BOOK," OR A BIOLOGICAL PRODUCT DETERMINED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO BE THERAPEUTICALLY EQUIVALENT AS SET FORTH IN THE LATEST EDITION OR SUPPLEMENT OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVED DRUG PRODUCTS WITH THERAPEUTIC EQUIVALENCE EVALUATIONS, SOMETIMES REFERRED TO AS THE "ORANGE BOOK."

Add on line 28 of page 2 and re-number thereafter:

(3) The person for whom the drug product or biological product is prescribed has not been advised of the desired substitution.

Delete from line 29 of page 2 "indicates" and replace with "requests".

Delete lines 8-22 of page 3 and replace with:

(d)(1) WITHIN FIVE BUSINESS DAYS FOLLOWING THE DISPENSING OF A SUBSTITUTED BIOLOGICAL PRODUCT, THE DISPENSING PHARMACIST OR THE PHARMACIST'S DESIGNEE SHALL COMMUNICATE TO THE PRESCRIBER THE SPECIFIC PRODUCT PROVIDED TO THE PATIENT, INCLUDING THE NAME OF THE PRODUCT AND THE MANUFACTURER. THE COMMUNICATION SHALL BE CONVEYED TO THE PRESCRIBER (I) BY MAKING AN ENTRY THAT IS ELECTRONICALLY ACCESSIBLE TO THE PRESCRIBER THROUGH AN INTEROPERABLE ELECTRONIC MEDICAL RECORDS SYSTEM, AN ELECTRONIC PRESCRIBING TECHNOLOGY OR A PHARMACY RECORD; OR (II) BY USING FACSIMILE, ELECTRONIC TRANSMISSION OR OTHER ELECTRONIC MEANS. IF AN ELECTRONIC MEANS DESCRIBED IN THIS PARAGRAPH IS NOT AVAILABLE TO

THE PHARMACIST AT THE TIME OF COMMUNICATION, THE DISPENSING PHARMACIST OR THE PHARMACIST'S DESIGNEE MAY COMMUNICATE THE INFORMATION BY TELEPHONE.

Delete from line 25 of page 3 "dispensing of the biological product." and replace with "substitution of the biological product unless active notification is requested in writing by the prescriber."

Delete from lines 26-31 of page 3 and replace with:

(3) COMMUNICATION UNDER PARAGRAPH (d)(1) SHALL NOT BE REQUIRED WHERE A REFILL PRESCRIPTION IS NOT CHANGED FROM THE PRODUCT DISPENSED ON THE PRIOR FILLING OF THE PRESCRIPTION.