LEGISLATURE OF THE STATE OF IDAHO

Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 175

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHARMACY; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1769, IDAHO CODE, TO REQUIRE CERTAIN COMMUNICATION ABOUT BIOSIMILAR MEDICATIONS; AND PROVIDING A SUNSET DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1769, Idaho Code, and to read as follows:

54-1769. COMMUNICATION CONCERNING SUBSTITUTION OF BIOSIMILAR MEDICATION. (1) Within five (5) business days following the dispensing of a biological product, the dispensing pharmacist or 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 by making an entry in an interoperable electronic medical records system or through an electronic prescribing technology or a pharmacy record that is electronically accessible by the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission or other prevailing means, provided that communication shall not be required where:

(a) There is no federal food and drug administration approved interchangeable biological product for the product prescribed;

(b) A refill prescription is not changed from the product dispensed on the prior filling of the prescription; or

(c) The pharmacist or the pharmacist's designee has already communicated to the prescriber the specific product to be provided to the patient, including the name of the product and the name of the manufacturer, prior to dispensing, and that it is the specific product actually dispensed.

(2) The board of pharmacy shall maintain a link on its website to the current list of all biological products determined by the federal food and drug administration as interchangeable.

(3) Nothing in this section shall delay the dispensing of a valid prescription for a biological product.

SECTION 2. The provisions of Section 1 of this act shall be null, void and of no force and effect on and after July 1, 2018.