LEGISLATURE OF THE STATE OF IDAHO

Sixty-third Legislature Second Regular Session - 2016

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 483

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 PROVIDE THAT A PHARMACIST WHO DISPENSES A BIOLOGICAL PRODUCT SHALL COMMUNICATE CERTAIN INFORMATION TO THE PRESCRIBER AND TO PROVIDE EXCEPTIONS, TO PROVIDE THAT THE DISPENSING OF A VALID PRESCRIPTION SHALL NOT BE DELAYED AND TO DEFINE TERMS; 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 REGARDING BIOLOGICAL PRODUCTS. (1) A pharmacist who dispenses a biological product according to board rule shall communicate to the prescriber the name and manufacturer of the drug within five (5) business days following the dispensing of the biological product. Communication shall occur via an entry in an interoperable electronic medical records system, an electronic prescribing technology, a pharmacy benefit management system or a pharmacy record that can be accessed electronically by the prescriber. Entry into an electronic records system as described in this subsection shall be considered notice to 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 the communication shall not be required when:

(a) There is no interchangeable biological product approved by the federal food and drug administration 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 and manufacturer of the product, prior to dispensing; and that product is the product that is actually dispensed.

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

(3) For purposes of this section:

(a) "Biological product" shall have the same meaning as in 42 U.S.C. 262(i).

(b) "Interchangeable biological product" means a biological product that the federal food and drug administration has licensed and determined meets the standards for interchangeability set forth in 42 U.S.C. 262(k)(4) or has been deemed therapeutically equivalent by the federal food and drug administration in the latest edition of or supplement to

the publication "Approved Drug Products with Therapeutic Equivalence Evaluations."

SECTION 2. The provisions of this act shall be null, void and of no force and effect on and after July 1, 2026.