



March 12, 2013

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**ENGROSSED**  
**SENATE BILL No. 471**

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DIGEST OF SB 471 (Updated March 11, 2013 11:32 am - DI 77)

**Citations Affected:** IC 16-42.

**Synopsis:** Prescriptions for brand name drugs. Permits a health care practitioner to use words of similar meaning instead of the statutory phrase "Brand Medically Necessary" when writing a prescription for a brand name drug when the practitioner does not want the pharmacist to substitute, under certain government programs, a generically equivalent drug product for the brand name drug.

**Effective:** July 1, 2013.

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**Grooms, Bray**

(HOUSE SPONSORS — DAVISSON, CLERE, STEMLER, BROWN C)

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January 14, 2013, read first time and referred to Committee on Health and Provider Services.

January 24, 2013, reported favorably — Do Pass.

January 28, 2013, read second time, ordered engrossed.

January 29, 2013, engrossed. Read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Public Health.

March 11, 2013, reported — Do Pass.

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ES 471—LS 7117/DI 77+



March 12, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 471

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-42-22-10, AS AMENDED BY P.L.204-2005,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 10. (a) If a prescription is filled under the  
4 Medicaid program (42 U.S.C. 1396 et seq.), the children's health  
5 insurance program established under IC 12-17.6-2, or the Medicare  
6 program (42 U.S.C. 1395 et seq.), the pharmacist shall substitute a  
7 generically equivalent drug product and inform the customer of the  
8 substitution if the substitution would result in a lower price unless:  
9 (1) the words "Brand Medically Necessary" **or words of similar**  
10 **meaning** are:  
11 (A) written in the practitioner's own writing on the form; or  
12 (B) electronically transmitted with an electronically  
13 transmitted prescription; or  
14 (2) the practitioner has indicated that the pharmacist may not  
15 substitute a generically equivalent drug product by:  
16 (A) orally stating that a substitution is not permitted; or  
17 (B) for an electronically transmitted prescription, indicating

ES 471—LS 7117/DI 77+



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1           with the electronic prescription that a substitution is not  
2           permitted.

3           (b) If a practitioner orally states that a generically equivalent drug  
4           product may not be substituted, the practitioner must subsequently  
5           forward to the pharmacist a written or electronically transmitted  
6           prescription with the "Brand Medically Necessary" instruction  
7           appropriately indicated in the physician's own handwriting.

8           (c) This section does not authorize any substitution other than  
9           substitution of a generically equivalent drug product.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 471, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 471 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 471, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CLERE, Chair

Committee Vote: yeas 11, nays 0.

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