

**UPDATED SUMMARY
SENATE BILL 15-071**

First Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

Current law permits a pharmacist to substitute an equivalent drug product for a prescribed drug if the substituted drug is the same generic drug type as the prescribed drug and the pharmacist determines that the substituted drug is therapeutically equivalent to and interchangeable with the prescribed drug. While a pharmacist may substitute chemical drugs, current law does not allow a pharmacist to substitute biological drug products.

The bill allows a pharmacist to substitute a biological product if the federal food and drug administration (FDA) has determined that the biological product is interchangeable with the prescribed biological product and if the practitioner has not indicated that the prescription must be dispensed as written.

Within a reasonable time after a pharmacist dispenses a biological product, the dispensing pharmacist or the pharmacist's designee must communicate to the prescribing practitioner the specific biological product dispensed to the patient, including the name of the product and manufacturer, through an electronic system. Otherwise, the communication can occur via facsimile, telephone, electronic transmission, or other prevailing means, but the pharmacist is not required to communicate with the prescribing practitioner when:

- ! No interchangeable biological product exists in the market; or
- ! The prescription is a refill that is unchanged from the prior filling.

As is required with substitutions of chemical drugs:

- ! The pharmacy from which an interchangeable biological product is dispensed must retain a record of the substitution for at least 2 years; and
- ! The pharmacist substituting an interchangeable biological product for a prescribed biological product must notify the purchaser orally and in writing and may only substitute a biological product if the substituted product costs less than the prescribed biological product, unless the prescribed biological product is not in stock and the purchaser consents to the higher-priced product.

The bill requires the state board of pharmacy to maintain a link on its web site to the FDA resource that identifies biological products approved as interchangeable with specific biological products.