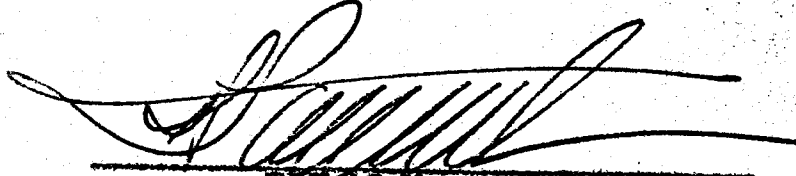


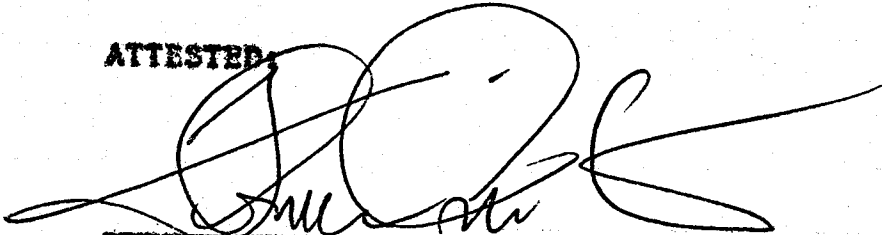
SIXTEENTH GUAM LEGISLATURE
1981 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

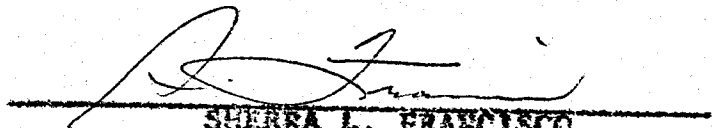
This is to certify that Substitute Bill No. 58, "An Act to add Sections 6600.4 through 6600.6 to the Government Code to require the use of generic names in procuring drugs and other pharmaceuticals", was on the 9th day of September 1981, duly and regularly passed.


THOMAS V. C. TANAKA
Speaker


ATTESTED:


THOMAS C. CRISOSTOMO
Legislative Secretary

.....
This Act was received by the Governor this 15th day of September, 1981, at 3:20 o'clock P.M.


SHERRA L. FRANCISCO
Assistant Staff Officer
Governor's Staff

APPROVED:


PAUL M. CALVO
Governor of Guam

DATED: SEPT. 26, 1981 12:20 p.m.
P. L. 16-40

SIXTEENTH GUAM LEGISLATURE
1981 (FIRST) Regular Session

Bill No. 58
(As Substituted
by the Committee
on Health, Welfare
& Cultural Affairs)

Introduced by: J. T. San Agustin, C. A. Kasperbauer

M. Z. Bordallo
F. F. Blas
E. T. Charfauros
T. C. Crisostomo
E. R. Duenas
C. T. C. Gutierrez
A. C. Lamorena III
J. I. Leon Guerrero
K. S. Moylan
P. F. Perez, Jr.
J. F. Quan
F. J. Quitugua
F. R. Santos
R. Q. Sudo
J. Q. Torres
T. V. C. Tanaka
L. L. Umagat
J. H. Underwood
A. R. Unpingco

AN ACT TO ADD SECTIONS 6600.4 THROUGH 6600.6
TO THE GOVERNMENT CODE TO REQUIRE THE USE OF
GENERIC NAMES IN PROCURING DRUGS AND OTHER
PHARMACEUTICALS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. A new Section 6600.4 is added to the Government
3 Code to read:

4 "Section 6600.4. Purchase of drugs by generic names.
5 As used in Sections 6600.4 through 6600.6 of this Code,
6 'Generic Drug' means the chemical or generic name, as
7 determined by the United States Adopted Names (USAN) and
8 accepted by the Federal Food and Drug Administration (FDA),
9 of those drug products having the same active chemical
10 ingredients."

1 Section 2. A new Section 6600.5 is added to the Government
2 Code to read:

3 "Section 6600.5. Whenever possible, the Department
4 of Administration, the Department of Public Health and
5 Social Services, the Guam Memorial Hospital Authority and
6 the Department of Education shall purchase drugs, generic
7 or otherwise, directly from the manufacturer so as to en-
8 sure and maximize economy."

9 Section 3. A new Section 6600.6 is added to the Government
10 Code to read:

11 "Section 6600.6. Prescription of drugs by generic
12 names. When providing medical services to patients whose
13 medical services are paid for, either in part or in whole,
14 by local legislative appropriation, by federal grants-in-aid
15 or by a combination of both, a pharmacist filling a pres-
16 cription for a drug prescribed by its trade or brand name
17 may:

18 (a) substitute in its place a generic drug with
19 the same (1) active chemical ingredients, (2) strength,
20 (3) quantity, and (4) dosage form.

21 (b) A drug prescribed by its trade or brand name
22 shall not be substituted if the prescriber indicates
23 in his own handwriting 'do not substitute' or words of
24 similar meaning. The use of pre-printed signatures
25 shall not prohibit a pharmacist from substituting a
26 drug meeting the requirements of Subsection (a) of
27 this Section.

28 (c) The use of the substituted drug dispensed
29 shall be indicated on the prescription label unless
30 the prescriber orders otherwise.

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(d) Selection pursuant to this Section is within the discretion of the pharmacist, except as provided in Subsection (b) of this Section. The person who selects the drug product to be dispensed pursuant to this Section shall assume the same responsibility for selecting the dispensed drug product as would be incurred in filling a prescription for a drug product prescribed by generic name. There shall no liability on the prescriber for an act or omission by a pharmacist in selecting, preparing, or dispensing a drug product pursuant to this Section.

(e) The pharmacist shall pass on to the purchaser the difference in the acquisition cost between the drug product prescribed and the drug product dispensed, exclusive of the pharmacist's professional fee. The pharmacist may not charge a higher or different professional fee for the generic drug product dispensed than that charged for the brand name product prescribed."