

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

391E0383

## HOUSE BILL NO. 1103

Introduced by: Representatives Solum, Davis, McCoy, and Van Etten and Senators Vitter,  
Brosz, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide certain requirements for prescription labels when  
2 a generic drug is dispensed.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-11-46.6 be amended to read as follows:

5 36-11-46.6. The pharmacist shall, unless otherwise instructed by the prescriber, label the  
6 prescription container with the name of the dispensed drug. If the dispensed drug does not have  
7 a brand name, the prescription label shall indicate the generic name or the United States  
8 Pharmacopoeia pharmacy equivalent name of the drug dispensed. If a pharmacist selects a  
9 generically equivalent drug product for the brand name drug product prescribed, the prescription  
10 container label shall identify the generic name and may identify the brand name for which the  
11 selection is made. The dual identification allowed under this section shall take the form of the  
12 following statement on the prescription container label: "(generic name) Generic for (brand  
13 name)". The pharmacy file copy of each prescription shall include the brand name, if any, or the  
14 name of the manufacturer, labeler, or distributor of the drug product dispensed. ~~The brand name~~  
15 ~~of the prescribed drug may not appear on the prescription container label unless it is the drug~~

- 1 ~~product actually dispensed.~~ The prescription container label shall include all information required
- 2 by federal and state law or by rule promulgated by the board pursuant to chapter 1-26.