have the option to retain coverage ~~and is relieved of his obligation to make monthly payments to the employer~~ provided he makes this election within 60 days of the date his employment is terminated by making the proper payment to the employer or trust to provide continuous coverage.

Sec. 4. This act is effective the day following final enactment.

Approved May 14, 1975.

CHAPTER 101—H.F.No.278

[Coded in Part]

An act relating to pharmacy and drugs; authorizing pharmacists to dispense generically equivalent drugs in lieu of prescribed brand name legend drugs unless the prescribing practitioner instructs otherwise; providing for manufacturer disclosure; providing penalties; amending Minnesota Statutes 1974, Sections 151.01, by adding subdivisions; 151.21; 151.212; 151.38; and Chapter 151, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 151.01, is amended by adding subdivisions to read:

Subd. 24. **PHARMACY; GENERICALLY EQUIVALENT DRUGS; BRAND NAME.** "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

Subd. 25. **GENERIC NAME.** "Generic name" means the established name or official name of a drug or drug product.

Subd. 26. **FINISHED DOSAGE FORM.** "Finished dosage form" means that form of a drug which is or is intended to be dispensed or administered to the patient and requires no further manufacturing or processing other than packaging, reconstitution, or labeling.

Sec. 2. Minnesota Statutes 1974, Section 151.21, is amended to read:

151.21 **SUBSTITUTION.** Subdivision 1. Except as provided in subdivision 2, it shall be unlawful for any pharmacist, assistant pharmacist, or pharmacist intern who dispenses prescriptions, drugs, and medicines to substitute an article different from the one ordered, or deviate in any manner from the requirements of an order or prescription without the approval of the prescriber.

Subd. 2. A pharmacist who receives a prescription for a brand name legend drug may, with the written or verbal consent of the pur-

chaser, dispense any drug having the same generic name as the brand name drug prescribed if the prescriber has not written in his own handwriting "dispense as written" or "D.A.W." on the prescription or, when an oral prescription is given, has not expressly indicated the prescription is to be dispensed as communicated. A pharmacist who receives a prescription marked "D.A.W." or "dispense as written", or an oral prescription indicating that the prescription is to be dispensed as communicated, may substitute for the prescribed brand name drug a generically equivalent drug product which is manufactured in the same finished dosage form having the same active ingredients and strength by the same manufacturer as the prescribed brand name drug. A pharmacist may also substitute pursuant to the oral instructions of the prescriber. A pharmacist may not substitute a generically equivalent drug product unless, in the pharmacist's professional judgment, the substituted drug is therapeutically equivalent and interchangeable to the prescribed drug. A pharmacist shall notify the purchaser if he is dispensing a drug other than the brand name drug prescribed.

Subd. 3. A pharmacist dispensing a drug under the provisions of subdivision 2 shall not dispense a drug of a higher retail price than that of the brand name drug prescribed. Any difference between acquisition cost to the pharmacist of the drug dispensed and the brand name drug prescribed shall be passed on to the purchaser.

Sec. 3. Minnesota Statutes 1974, Section 151.212, is amended to read:

151.212 **LABEL OF PRESCRIPTION DRUGS.** Drugs dispensed pursuant to a prescription shall bear a label permanently affixed to the immediate container in which the drug is dispensed and which is received by the purchaser . ~~Such~~ The label shall bear the name of the manufacturer of the finished dosage form of the drug and all other information required by law and by regulations of the board.

Sec. 4. Minnesota Statutes 1974, Chapter 151, is amended by adding a section to read:

[151.361] MANUFACTURER DISCLOSURE. The manufacturer, packager, or distributor of any human use legend drug sold, delivered, or offered for sale in the state of Minnesota after January 1, 1976 must have printed on the label on the immediate container of the drug the name and address of the manufacturer of the finished dosage form of the drug. Failure to comply with this requirement shall subject a drug to embargo in accordance with section 151.38.

Sec. 5. Minnesota Statutes 1974, Section 151.38, is amended to read:

151.38 **EMBARGOES.** (1) Whenever a duly authorized agent of the board finds or has probable cause to believe that any drug or medicine is adulterated, or so misbranded as to be dangerous or fraudulent

, or is being sold, delivered, or offered for sale in violation of section 4 of this act , he shall affix thereto an appropriate marking, giving notice that ~~such~~ the article is, or is suspected of being, adulterated ~~or~~, misbranded or sold, delivered, or offered for sale in violation of section 4 of this act and has been embargoed, and warning that it is unlawful for any person to remove or dispose of ~~such~~ the embargoed article by sale or otherwise without permission from the agent or the court.

(2) When an embargoed article has been found by ~~such~~ the agent to be adulterated ; or misbranded , or is being sold, delivered, or offered for sale in violation of section 4 of this act , the board shall, within 30 days, petition the district court in whose jurisdiction the article is embargoed for an order of condemnation. When an embargoed article is not so found by the agent he shall remove the marking.

(3) If the court finds that an embargoed article is adulterated or misbranded , or is being sold, delivered, or offered for sale in violation of section 4 of this act , ~~such~~ the article shall be destroyed at the expense of the claimant thereof, who shall also pay all court costs and fees, storage and other proper expenses ; ~~provided, that when~~ . If the adulteration or misbranding , or lack of manufacturer disclosure as required by section 4 of this act can be corrected by proper labeling or processing of the article, or by filing the proper documents with the court, the court, after ~~such~~ the costs, fees, and expenses have been paid and a sufficient bond has been executed, may order that ~~such~~ the article be delivered to the claimant for ~~such~~ labeling ~~or~~, processing or filing under supervision of an agent of the board. The expense of ~~such~~ the supervision shall be paid by claimant. The bond shall be returned to the claimant on the representation to the court by the board that the article is no longer in violation of this chapter and that the expenses of ~~such~~ supervision have been paid.

Sec. 6. Sections 3 and 4 shall be effective January 1, 1976.

Approved May 14, 1975.

CHAPTER 102—H.F.No.584

[Coded in Part]

An act relating to retirement; miscellaneous amendments to the public employees retirement law; providing that workmen's compensation payments are not salary; venue in law suits to be Ramsey county; monthly benefits payable to a public body under certain circumstances; if spouse survives a deceased annuitant, annuity shall be paid through date of death and survivor benefits to commence with first day following date of death; disability benefits to be reduced by amounts paid under workmen's compensation law after deduction of attorney fees; amending Minnesota Statutes 1974, Sections 353.01, Subdivisions 6, 10 and 24; 353.03, Subdivision 3, and by adding subdivisions; 353.08; 353.15; 353.29, Subdivisions 7 and 8;