

By: Senator(s) Kirby

To: Public Health and
Welfare

SENATE BILL NO. 2085

1 AN ACT TO CODIFY SECTION 73-21-118, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR THE SUBSTITUTION OF INTERCHANGEABLE BIOLOGICAL
3 PRODUCTS FOR A PRESCRIBED PRODUCT BY A PHARMACIST; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** The following shall be codified as Section
7 73-21-118, Mississippi Code of 1972:

8 73-21-118. **Biosimilars; substitution of interchangeable**
9 **biological products.** (1) As used in this section:

10 (a) "Biological product," "biosimilar,"
11 "interchangeable," have the meanings that apply to such terms
12 under Section 351 of the Public Health Service Act (42 USC 262).

13 (b) "Prescription," with respect to this section, means
14 such a product that is subject to Section 503(b) of the Federal,
15 Food, Drug, and Cosmetic Act (21 USC 353(b)).

16 (2) A pharmacist may substitute a prescription biosimilar
17 product for a prescribed product only if:



18 (a) The biosimilar product has been determined by the
19 United States Food and Drug Administration to be interchangeable
20 with the prescribed product for the specified indicated use;

21 (b) The prescriber has not expressly prohibited product
22 selection in writing, verbally or electronically;

23 (c) The person presenting the prescription is notified
24 and consents to the substitution;

25 (d) The pharmacist or pharmacist's agent notifies the
26 prescriber or the prescriber's agent of the substitution within
27 five (5) business days by facsimile, telephone, voice mail,
28 e-mail, or other electronic means; and

29 (e) The pharmacist and prescriber retain a written
30 record of the biosimilar substitution for a period of no less than
31 ten (10) years.

32 (3) The State Board of Pharmacy shall maintain on its public
33 website a current list of biosimilar biological products
34 determined to be interchangeable pursuant to subsection (2)(a) of
35 this section.

36 **SECTION 2.** This act shall take effect and be in force from
37 and after July 1, 2013.

