

Table B-1. Overview: Requirements for Specifying “Brand Necessary” in State Generic Substitution Statutes and Regulations (Non-Medicaid)*

State	Requires Specific Form or Format for Written Prescriptions ⁽¹⁾	Requires Provider’s Handwritten Signature or Designation ⁽²⁾	Does Not Require a Specific Means of “Indicating” ⁽³⁾	Electronic Specification Explicitly Permitted
Alabama	Ph, MD	MD	—	—
Alaska	—	—	—	Ph
Arizona	MD ⁽⁴⁾	—	Ph	—
Arkansas	—	—	Ph	—
California	—	—	—	Ph
Colorado	Ph	Ph	—	—
Connecticut	—	—	—	Ph
Delaware	Ph	Ph ⁽⁵⁾	—	—
District of Columbia	—	FD	—	—
Florida	—	—	—	Ph
Georgia	—	FD ⁽⁶⁾	—	—
Guam	—	GO	—	—
Hawaii	—	—	—	FD
Idaho	Ph	—	—	—
Illinois	Ph	Ph	—	—
Indiana	—	—	—	FD
Iowa	—	—	—	Ph
Kansas	—	MC	—	Ph
Kentucky	—	—	FD	—
Louisiana	PA, N	—	—	Ph
Maine	Ph	Ph ⁽⁷⁾	—	—
Maryland	—	—	Ph	—
Massachusetts	Ph, PHW	—	Ph ⁽⁸⁾	—
Michigan	—	—	—	Ph
Minnesota	—	—	—	Ph
Mississippi	Ph	Ph	—	MD ⁽⁹⁾
Missouri	Ph	Ph ⁽¹⁰⁾	—	—
Montana	—	—	Ph	—
Nebraska	—	WC	—	PHW
Nevada	—	—	—	Ph
New Hampshire	—	PHW	—	Ph
New Jersey	FD	—	—	—
New Mexico	—	FD	—	—
New York	Ph	Ph	—	—
North Carolina	Ph	Ph	—	—
North Dakota	Ph	FD	—	Ph

(continued)

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Ohio	—	—	—	Ph
Oklahoma	—	Ph	—	—
Oregon	—	—	—	Ph
Pennsylvania	FD	Ph	—	—
Puerto Rico	—	Ph	—	—
Rhode Island	—	—	Ph	MD, FD
South Carolina	Ph, TC	Ph, TC	—	—
South Dakota	—	Ph	—	—
Tennessee	—	—	—	FD, WC
Texas	—	—	WC	Ph
Utah	Ph	Ph	—	—
Vermont	—	—	Ph, FD	—
Virgin Islands	FD	FD	—	—
Virginia	—	—	FD	—
Washington	—	—	WC	FD
West Virginia	Ph	—	—	—
Wisconsin	—	—	—	Ph, WC
Wyoming	—	—	Ph	—

Statutory or Regulatory Code: PH = Pharmacy; MD = doctors of medicine; FD = Food & Drug; TC = Trade & Commerce; WC = Workers Comp; PA = Physicians Assistants; N = Nurse; GO = Government Operations; PHW = Public Health & Welfare.

* Generic substitution laws require or permit pharmacists to substitute generic drugs (or drug product equivalents) for brand name drugs, where available, but allow providers to override substitution by specifying that the brand name drug is necessary. “Brand necessary” encompasses: “DAW,” “dispense as written,” “do not substitute,” “brand medically necessary,” “brand necessary,” “no substitution,” “allergic to the inert ingredients of the drug,” and similar phrases.

⁽¹⁾ E.g., two signature lines or boxes, one of which is signed or checked to designate whether substitution is permitted.

⁽²⁾ In many states, the relevant provisions include requirements for both written prescriptions and oral prescriptions, but no specific mention of electronic prescription requirements. If a statute/regulation includes requirements for written prescriptions, but not electronic, the provisions for written prescriptions are included in this table.

⁽³⁾ “Indicates” includes phrases such as: clearly displays, provides an intent to prevent substitution, specifically indicates, expressly indicates, and specifies.

⁽⁴⁾ Homeopathic physicians.

⁽⁵⁾ Unclear. Pharmacist may substitute generic if the practitioner signs above “substitution permitted” line. Per form requirements, practitioner must handwrite “brand medically necessary” on form. However, later provision states that nothing in the chapter may prevent a pharmacist from dispensing a valid noncontrolled prescription pursuant to one received via electronic transmission from a practitioner’s office.

- (6) Handwriting is specific to hard-copy prescription drug orders.
- (7) If box with prescription instructions appears on the form, practitioner must hand-check the appropriate box to prevent generic substitution. If no box, practitioner must handwrite (e.g. “DAW”) and sign.
- (8) A provision in the Department of Public Health regulations has similar requirements for brand necessary with paper-based prescriptions; it also includes a separate section allowing electronic prescribing, but does not specify brand necessary instructions.
- (9) For electronically generated and transmitted prescriptions, the physician must make an overt act when transmitting the prescription to indicate either "dispense as written" or "substitution permissible."
- (10) Practitioner must sign on the appropriate line indicating his or her preference for dispensing as written or substitution permitted.