

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

157P0726

HOUSE BILL NO. 1311

Introduced by: Representatives Pitts, Dykstra, Elliott, Faehn, Lucas, Miles, Moore, Noem, Rhoden, Rounds, and Van Etten and Senators Bartling, Hunhoff, Jerstad, Katus, Lintz, McCracken, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to prevent seizures by prohibiting the interchange of anti-
2 epileptic drugs without prior notification and consent.

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

4 Section 1. That chapter 36-11 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No pharmacist may interchange an anti-epileptic drug for the treatment of seizures without
7 prior notification of, and the documented informed consent of, such interchange from the
8 prescribing physician and the patient, or the patient's parent, legal guardian, or spouse. For the
9 purposes of this section, an anti-epileptic drug is any drug prescribed for the treatment of
10 epilepsy or any drug used to treat or prevent seizures. For the purposes of this section, an
11 interchange is the substitution of one version of the same anti-epileptic therapeutic product,
12 including a generic version for the prescribed brand, a brand version for the prescribed generic
13 version, a generic version by one manufacturer for a generic version by a different manufacturer,
14 a different formulation of the prescribed anti-epileptic drug, or a different anti-epileptic



- 1 therapeutic drug product for the anti-epileptic product originally prescribed.