

1978 WL 35158 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 9, 1978

*1 Ms. M. Inez Moore
Director of Research and Administration
House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Ms. Moore:

You have requested an opinion from this Office as to which state agency should be responsible for the enforcement of Act No. 595 of 1978, the Drug Product Selection Act of 1978. Although the Act does not expressly provide for the enforcement of its provisions, it does provide that, as of January 1, 1979, '[e]very oral or written drug prescription shall provide an authorization from the practitioner as to whether or not a therapeutically equivalent generic drug may be substituted' [emphasis added]. In my opinion, the prescribing practitioner will have a duty to use, and the dispensing pharmacist a corresponding duty to fill, only that prescription form prescribed by Act No. 595 once its provisions become effective. Accordingly, the state agencies which regulate prescribing practitioners, i.e., the State Board of Medical Examiners [§§ 40-47-10 et seq., [CODE OF LAWS OF SOUTH CAROLINA](#), 1976], the State Board of Dentistry [§§ 40-15-10 et seq., [CODE OF LAWS OF SOUTH CAROLINA](#), 1976], the State Board of Podiatry Examiners [§§ 40-51-10 et seq., [CODE OF LAWS OF SOUTH CAROLINA](#), 1976], and the State Board of Veterinary Medical Examiners [§§ 40-69-10 et seq., [CODE OF LAWS OF SOUTH CAROLINA](#), 1976], and the state agency which regulates dispensing pharmacists, i.e., the State Board of Pharmaceutical Examiners [§§ 40-43-10 et seq., [CODE OF LAWS OF SOUTH CAROLINA](#), 1976], are responsible for the enforcement of the provisions of Act No. 595 just as they are responsible for insuring that all laws affecting the professions which they respectively regulate are complied with.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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