[BFAD BUREAU CIRCULAR NO. 19, S. 1999, January 17, 2000]

RE-ITERATING SECTION 20 (B) (1) (B) OF R.A. 3720 AS AMENDED BY SECTION 12 OF E.O. NO. 175 AND SECTION 29-A OF E.O. 175

Section 20 (b) (1) (B) of R.A. 3720 as amended by Section 12 of E.O. 175, otherwise known as Food, Drug and devices and Cosmetic Act states that:

"Section 20 (a) . . .

(b) (1) Drugs intended for use by man which :

(A) x x x;

(B) because of their toxicity or other potentiality for harmful effect, or the method of their use is not safe for use except under the supervision of practitioner licensed by law to administer such drug;

shall be dispensed only (1) upon a written prescription of a practitioner licensed by law to administer such drug, or (2) upon an oral prescription of such practitioner which is reduced promptly to writing and filled by the pharmacist, or (3) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filled by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in the drug being misbranded while held for sale." (underscoring ours)

Furthermore, Section 29-A of E.O. 175 amending R.A. 3720 provides:

"Section 29-A. In addition to the administrative sanctions provided for under Letter of Instructions No. 1223, the Secretary is hereby authorized to impose, after notice and hearing, administrative fines of not less than one thousand pesos nor more than five thousand pesos for any violation for this Act." (emphasis ours)

Therefore, in the interest of public health and safety and to comply with the aforecited provision of law, all licensed drug establishments and outlets are reminded to dispense prescription drugs with correct prescription.

Adopted: 17 Jan. 2000

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Director