

# **Exhibit 3**

**Mallinckrodt: Chart Documenting Generic Substitution Laws for 50 States Plus District of Columbia**

	<b>Statute or Regulation</b>	<b>Language of Statute or Regulation</b>	<b>Statute or Regulation Requires Use of Orange Book</b>	<b>Statute or Regulation Uses “Therapeutically Equivalent” Term.</b>
<b>Alabama</b>	Ala. Code § 34-23-8(1)	A licensed pharmacist located in this state shall be permitted to select for the brand name drug product prescribed by a practitioner who is located in another state or licensing jurisdiction and who is authorized by the laws of that state or jurisdiction to write prescriptions, a less expensive pharmaceutically and therapeutically equivalent drug product containing the same active ingredient or ingredients.	No	Yes
<b>Alaska</b>	Alaska Stat. Ann. § 08.80.480	“Equivalent drug product” means a drug product that has the same established name, active ingredients, strength or concentration, dosage form, and route of administration and that is formulated to contain the same amount of active ingredients in the same dosage form and to meet the same compendia or other applicable standards for strength, quality, purity, and identity, but that may differ in characteristics such as shape, scoring configuration, packaging, excipients including colors, flavors, preservatives, and expiration time.	No	Yes
<b>Arizona</b>	Ariz. Rev. Stat. Ann. § 32-1963.01	Generic equivalent or generically equivalent does not include a drug that is listed by the federal food and drug administration as having unresolved bioequivalence concerns according to the administration’s most recent publication of approved drug products with therapeutic equivalence evaluations.	Yes	Yes
<b>Arkansas</b>	Ark. Code Ann. § 17-92-503; Ark. St. Bd. Pharm. Reg. 7-00-0006	If a product is listed on the Arkansas Non-equivalent Drug Product List and the FDA approves a competitive product as bioequivalent and publishes that product with an “A” . . . rating in the [Orange Book], Arkansas pharmacists, or any pharmacist dispensing drugs to patients in Arkansas, may substitute that product.	Yes	Yes
<b>California</b>	Cal. Bus. & Prof. Code § 4073 (West)	Pharmacist may select another drug product with the same active chemical ingredients of the same strength, quantity, and dosage form, and of the same generic drug name. Drug product selection is within the discretion of the pharmacist.	No	No

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<b>Colorado</b>	Colo. Rev. Stat. Ann. § 12-42.5-122	<p>The pharmacist may substitute an equivalent drug product if the substituted drug product is the same generic drug type and in the pharmacist’s professional judgment, the substituted drug product is therapeutically equivalent.</p> <p>“Therapeutically equivalent” or “equivalent” means those compounds containing the identical active chemical ingredients or identical strength, quantity, and dosage form and of the same generic drug type, which, when administered in the same amounts, will provide the same therapeutic effect as evidenced by the control of a symptom or disease.</p>	No	Yes
<b>Connecticut</b>	Conn. Gen. Stat. § 20-619	<p>The pharmacist may substitute a generic drug product with the same strength, quantity, dose, and dosage form as the prescribed drug product which is, in the pharmacist’s professional opinion, therapeutically equivalent. When the prescribing practitioner is not reasonably available for consultation and the prescribed drug does not use a unique delivery system technology, the pharmacist may substitute an oral tablet, capsule, or liquid form of the prescribed drug as long as the form dispensed has the same strength, dose, and dose schedule and is therapeutically equivalent to the drug prescribed.</p> <p>“Therapeutically equivalent” means drug products that are approved under the provisions of the federal Food, Drug and Cosmetics Act for interstate distribution and that will provide essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen.</p>	No	Yes

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<b>Delaware</b>	Del. Code Ann. tit. 24, §§ 2502, 2549(a)	<p>When a pharmacist receives a prescription drug order from a practitioner for a brand name or trade name drug, the pharmacist may dispense a therapeutically equivalent drug.</p> <p>“Therapeutically equivalent drug” means a drug which contains the same active ingredient or ingredients and is identical in strength or concentration, dosage form, and route of administration and which is classified as being therapeutically equivalent to another drug in the latest edition or supplement of the Federal Food and Drug Administration (FDA) Approved Drug Products with Therapeutic Equivalence Evaluations, Evaluations, sometimes referred to as the Orange Book.</p>	Yes	Yes
<b>District of Columbia</b>	D.C. Code § 48-803.01	The formulary of generically equivalent drug products for the District of Columbia shall be the chemical and generic drugs contained in the Food and Drug Administration publication, “Approved Drug Products with Therapeutic Equivalence Evaluations,” including all updates issued by the Food and Drug Administration (“Orange Book”).	Yes	Yes

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<b>Florida</b>	Fla. Stat. § 465.025	<p>Each community pharmacy shall establish a formulary of generic and brand name drug products which, if selected as the drug product of choice, would not pose a threat to the health and safety of patients receiving prescription medication.</p> <p>The Board of Pharmacy and the Board of Medicine shall establish by rule a formulary of generic drug type and brand name drug products which are determined by the boards to demonstrate clinically significant biological or therapeutic inequivalence and which, if substituted, would pose a threat to the health and safety of patients receiving prescription medication.”</p> <p>The Board of Pharmacy and the Board of Medicine shall remove any generic named drug product from the formulary established by § 465.025(6), if every commercially marketed equivalent of that drug product is “A” rated as therapeutically equivalent to a reference listed drug or is a reference listed drug as referred to in “Approved Drug Products with Therapeutic Equivalence Evaluations” (Orange Book) published by the United States Food and Drug Administration.</p>	No	Yes
<b>Georgia</b>	Ga. Code Ann. § 26-4-81	Substitutions as provided for in subsections (a) and (b) of this Code section are authorized for the express purpose of making available to the consumer the lowest retail priced drug product which is in stock and which is, in the pharmacist’s reasonable professional opinion, both therapeutically equivalent and pharmaceutically equivalent.	No	Yes

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<b>Hawaii</b>	Haw. Rev. Stat. §§ 328-91, 328-92.	<p>“Equivalent generic drug product” means a drug product with the same established name, active ingredient strength, quantity, and dosage form as the drug product identified in the prescription, and: (1) that is listed as therapeutically equivalent (i.e., addition) in the current Hawaii additions and deletions list; or (2) that is listed in the compendia of therapeutically equivalent generic drug products and is not listed as therapeutically inequivalent (i.e., deletion) in the Hawaii additions and deletions list.</p> <p>“Compendia of therapeutically equivalent generic drug products” means the Orange Book and any United States Food and Drug Administration documentation of any United States Food and Drug Administration-approved generic drug product with therapeutic equivalency evaluations.</p>	Yes	Yes
<b>Idaho</b>	Idaho Code Ann. § 54-1770; IDAPA 27.01.01	<p>Idaho Board of Pharmacy evaluates as therapeutically equivalent those drug products that meet the following general criteria:</p> <p>i. They are pharmaceutical equivalents in that they contain identical amounts of the same active drug ingredients in the same dosage form and meet compendial or other applicable standards of identity strength, quality, and purity.</p> <p>ii. They are bioequivalent in that they do not present a known or potential bioequivalence problem or if they do present such a known or potential problem they are shown to meet an appropriate bioequivalence standard.</p> <p>iii. They are adequately labeled and are manufactured under conditions which, at a minimum, comply with FDA Current Good Manufacturing Practice Regulations.</p>	Yes	Yes
<b>Illinois</b>	225 Ill. Comp. Stat. § 85/25	A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act.	Yes	Yes

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<b>Indiana</b>	Ind. Code Ann. §§ 16-42-22-8, 16-42-22-10	<p>This section does not authorize any substitution other than substitution of a generically equivalent drug product.</p> <p>A drug does not constitute a generically equivalent if it is listed by the FDA or after July 1, 1987, as having actual or potential bioequivalence problems.</p>	Yes	Yes
<b>Iowa</b>	Iowa Code § 510B.6	<p>The pharmacy benefits manager may request the substitution of a lower priced generic and therapeutically equivalent drug for a higher priced prescribed drug.</p> <p>If an authorized prescriber prescribes, in writing, electronically, by facsimile, or orally, a drug by its brand or trade name, the pharmacist may exercise professional judgment in the economic interest of the patient by selecting a drug product with the same generic name and demonstrated bioavailability as the one prescribed for dispensing and sale to the patient.</p>	No	Yes
<b>Kansas</b>	Kan. Stat. Ann. § 65-1637	A pharmacist may substitute with a generic product unless the FDA has determined that a drug product of the same generic name is not bioequivalent to the prescribed brand name prescription medication.	Yes	Yes
<b>Kentucky</b>	201 Ky. Admin. Regs. 2:116	The following have been determined by the board to be noninterchangeable: drugs, drug products, or dosage formulations considered by the United States Food and Drug Administration not to be therapeutically equivalent as published in the “Approved Drug Products with Therapeutic Equivalence Evaluations.”	Yes	Yes

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<b>Louisiana</b>	La. Rev. Stat. Ann. 37:1164	“Equivalent drug product” means a drug product that has been rated as a pharmaceutical equivalent by the federal food and drug administration (FDA) and has the same established name, active ingredients, strength or concentration, dosage form, and route of administration and which is formulated to contain the same amount of active ingredients in the same dosage form and to meet the same compendial or other applicable standards such as strength, quality, purity, and identity, but which may differ in characteristics such as shape, scoring, configuration, packaging, excipients including colors, flavors, preservatives, and expiration time.	Yes	Yes
<b>Maine</b>	Me. Rev. Stat. tit. 32, §§ 13784, 65.2-603.1	<p>“Therapeutically equivalent drug products” means drug products that (i) contain the same active ingredients, (ii) are identical in strength or concentration, dosage form, and route of administration, and (iii) are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of “therapeutically equivalent drug products” set forth in the most recent edition of Approved Drug Products with Therapeutic Equivalence Evaluations, known as the Orange Book.</p> <p>Require substitution for a brand-name drug of a generic and therapeutically equivalent drug as required by Maine Revised Statues, Title 32, Section 13781, absent Prior Authorization from the Department</p>	Yes	Yes
<b>Maryland</b>	Md. Code Ann., Health Occ. § 12-504	(c) A pharmacist may substitute a generically equivalent drug or device product, of the same dosage form and strength, for any brand name drug or device product prescribed, if:(1) The authorized prescriber does not state expressly that the prescription is to be dispensed only as directed;(2) The substitution is recognized in the United States Food and Drug Administration's current list of approved drug or device products with therapeutic equivalence evaluations; and(3) The consumer is charged less for the substituted drug or device than the price of the brand name drug or device.	Yes	Yes

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<b>Massachusetts</b>	Mass. Gen. Laws ch. 17 § 13; 105 Mass. Code Regs. 720.200	To determine if a prescription written for a brand name drug product is interchangeable in Massachusetts:  1. Look up the drug product by the brand name in the index or by generic name in the “Approved Drug Products with Therapeutic Equivalence Evaluations” (“Orange Book”).  2. Compare the dosage form and strength of the drug product prescribed with the dosage form and strength of the same drug product in the “Orange Book”.  3. If the same drug product, dosage form and strength has been assigned an “A” rating by FDA and is not listed on the Exception List contained within 105 CMR 720.050, the drug product is interchangeable.	Yes	Yes
<b>Michigan</b>	Mich. Comp. Laws Ann. 333.17755	When a pharmacist receives a prescription for a brand name drug product, the pharmacist may, or when a purchaser requests a lower cost generically equivalent drug product, the pharmacist shall dispense a lower cost but not higher cost generically equivalent drug product.	No	No
<b>Minnesota</b>	Minn. Stat. Ann. § 151.21	A pharmacist may substitute with a generically equivalent drug that, in the pharmacist’s professional judgment, is safely interchangeable with the prescribed drug. A pharmacist may not substitute a generically equivalent drug product unless, in the pharmacist’s professional judgment, the substituted drug is therapeutically equivalent and interchangeable to the prescribed drug.	No	Yes
<b>Mississippi</b>	Miss. Code. Ann. § 73-21-117	A pharmacist may select a generic equivalent drug product only when such selection results in lower cost to the purchaser, unless product selection is expressly prohibited by the prescriber.  Generic equivalent drugs shall include any drug listed by the FDA list of therapeutically equivalent drugs.	Yes	Yes

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<b>Missouri</b>	Mo. Code Regs. Ann. tit. 20, § 2220-3.011	A pharmacist shall not substitute drug products that are rated as therapeutically inequivalent to other pharmaceutically equivalent products as listed in the latest edition or cumulative supplement of the “Approved Drug products with Therapeutic Equivalence Evaluations” published by the United States government, Department of Health and Human Services.	Yes	Yes
<b>Montana</b>	Mont. Code Ann. § 37-7-505	The pharmacist who receives a prescription for a specific drug product by brand or proprietary name may select a less expensive drug product with the same generic name, strength, quantity, dose, and dosage form as the prescribed drug that is, in the pharmacist’s professional opinion, therapeutically equivalent, bioequivalent, and bioavailable.	No	Yes
<b>Nebraska</b>	Neb. Rev. Stat. §§ 71-5402, 5403	Drug product select means to dispense, without the practitioner’s express authorization, an equivalent drug product in place of the brand-name drug product contained in a medical order of such practitioner.  Bioequivalent means drug products: (a) That are legally marketed under regulations promulgated by the federal Food and Drug Administration; (b) that are the same dosage form of the identical active ingredients in the identical amounts as the drug product prescribed; (c) that comply with compendial standards and are consistent from lot to lot with respect to (i) purity of ingredients, (ii) weight variation, (iii) uniformity of content, and (iv) stability; and (d) for which the federal Food and Drug Administration has established bioequivalent standards or has determined that no bioequivalence problems exist.	Yes	Yes

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<b>Nevada</b>	Nev. Rev. Stat. Ann. §§ 639.2583, 639.2597	<p>If a practitioner has prescribed a drug by brand name and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another drug which is available to him or her if the other drug: (a) is less expensive than the drug prescribed by brand name;(b) Is biologically equivalent to the drug prescribed by brand name;</p> <p>A pharmacist or practitioner who proposes to make any substitution must have made use of a list of biologically equivalent drugs approved by the United States Food and Drug Administration.</p>	Yes	Yes
<b>New Hampshire</b>	N.H. Rev. Stat. Ann. § 146-B:2	<p>Unless instructed otherwise by the person receiving the drug pursuant to the prescription, a pharmacist filling a prescription for a drug product prescribed by its trade or brand name may select an equivalent drug product listed in “Approved Prescription Drug Products with Therapeutic Equivalence Evaluations” as published by the United States Department of Health and Human Services</p> <p>“Equivalent drug product” means a therapeutically equivalent drug product with the same established name, active ingredient strength, quantity and dosage form as the drug product identified in the prescription.</p>	Yes	Yes
<b>New Jersey</b>	N.J. Admin. Code § 8:71-1.1	New Jersey Administrative Code 8:71-1.1 states that a drug product is interchangeable if it is listed in the New Jersey generic formulary or if it has a therapeutic equivalence rating of “A,” as identified in the Orange Book or FDA’s “Drugs@FDA” website.	Yes	Yes

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<b>New Mexico</b>	N.M. Stat. Ann. § 26-3-3	Upon receipt of a prescription written by a licensed practitioner for a drug that appears on the federal food and drug administration’s approved prescription drug products with therapeutic equivalence evaluation list as supplemented, a pharmacist may dispense any of the therapeutically equivalent drugs that appears on that list and which is lower in cost than the drug listed in the prescription.	Yes	Yes
<b>New York</b>	N.Y. Educ. Law § 6816-a; N.Y. Pub. Health Law § 206	The commissioner of the Federal Food and Drug Administration has evaluated such drug product as pharmaceutically and therapeutically equivalent and has listed such drug product on the list of approved drugs products with the therapeutic equivalence evaluations, provided, however, that the list prepared by the commissioner shall not include any drug product which the commissioner of the Federal Food and Drug Administration has identified as having an actual or potential bioequivalence problem.	Yes	Yes
<b>North Carolina</b>	N.C. Gen. Stat. Ann. § 90-85.28	“Equivalent drug product” means drug product which has the same established name, active ingredient, strength, quantity, and dosage form, and which is therapeutically equivalent to the drug product identified in the prescription.	No	Yes
<b>North Dakota</b>	N.D. Cent. Code Ann. § 19-02.1-02 (West)	If a practitioner prescribed a drug by its brand name, the pharmacist may exercise professional judgment in the economic interest of the patient by selecting a drug product with the same generic name and demonstrated the therapeutical equivalency as the one prescribed for dispensing and sale to the patient.	No	Yes
<b>Ohio</b>	Ohio Rev. Code Ann. § 3715.01	No drug shall be considered a generically equivalent drug for the purposes of this chapter if it has been listed by the federal food and drug administration as having proven bioequivalence problems.	Yes	Yes
<b>Oklahoma</b>	Okla. Stat. tit. 59, § 353.13	No substitution without permission.	No	No

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<b>Oregon</b>	Or. Rev. Stat. § 689.515	“Therapeutically equivalent” means drugs that are approved by the United States Food and Drug Administration for interstate distribution and the Food and Drug Administration has determined that the drugs will provide essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen.	No	Yes
<b>Pennsylvania</b>	72 Pa. Cons. Stat. Ann. § 3761-510	Notwithstanding any other statute or regulation, a brand name product shall be dispensed and not substituted with an A-rated generic therapeutically equivalent drug if it is less expensive to the program. If a less expensive A-rated generic therapeutically equivalent drug is available for dispensing to a claimant, the provider shall dispense the A-rated generic therapeutically equivalent drug to the claimant.	Yes	Yes
<b>Rhode Island</b>	R.I. Gen. Laws Ann. § 5-19.1-19	Pharmacists when dispensing a prescription shall, unless requested otherwise by the individual presenting the prescription in writing, substitute drugs containing all the same active chemical ingredients of the same strength, quantity, and dosage form as the drug requested by the prescriber from approved prescription drug products.	No	No
<b>South Carolina</b>	S.C. Code Ann. § 39-24-30	Upon receiving a prescription for a brand name product, a registered pharmacist may substitute a drug product of the same dosage form and strength which, in his professional judgment, is a therapeutically equivalent drug product.	No	Yes

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<b>South Dakota</b>	S.D. Codified Laws §§ 36-11-2, 36-11-46.1	<p>“Equivalent drug product,” a drug product that is considered to be therapeutically equivalent to other pharmaceutically equivalent products as determined by the latest edition of Approved Drug Products with Therapeutic Equivalence Evaluations, as adopted by the South Dakota Board of Pharmacy pursuant to chapter 1-26.</p> <p>A pharmacist dispensing a prescription drug order for a drug product prescribed by its brand name may select any equivalent drug product, if the manufacturer or distributor of the equivalent drug product holds, if applicable, either an approved new drug application or an approved abbreviated new drug application, unless other approval by law or from the Federal Food and Drug Administration is required.</p>	Yes	Yes
<b>Tennessee</b>	Tenn. Code Ann. § 53-10-208	In making substitutions as allowed by this part, the pharmacist may use drugs and drug products manufactured within the territorial limits of any one (1) of the states of the United States, or of any other country, if the products have been approved by the federal food and drug administration (FDA), and have been given an “A” therapeutic equivalent rating by the FDA in the agency’s publication, “Approved Drug Products with Therapeutic Equivalence Evaluations”, also known as the “Orange Book”. “A” rated drug products are those that the FDA considers to be therapeutically equivalent to other pharmaceutically equivalent products.	Yes	Yes

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<b>Texas</b>	28 Tex. Admin. Code § 309.7	<p>(b) Pharmacists shall use as a basis for the determination of generic equivalency as defined in the Subchapter A, Chapter 562 of the Act, the following:</p> <p>(1) For drugs listed in the publication, pharmacists shall use Approved Drug Products With Therapeutic Equivalence Evaluations (Orange Book) and current supplements published by the Federal Food and Drug Administration, within the limitations stipulated in that publication, to determine generic equivalency. Pharmacists may only substitute products that are rated therapeutically equivalent in the Orange Book and have an "A" rating. "A" rated drug products include but are not limited to, those designated AA, AB, AN, AO, AP, or AT in the Orange Book.</p> <p>(2) For drugs not listed in the Orange Book, pharmacists shall use their professional judgment to determine generic equivalency.</p>	Yes	Yes
<b>Utah</b>	Utah Code Ann. § 58-17b-605	A pharmacist or pharmacy intern dispensing a prescription order for a specific drug by brand or proprietary name may substitute a drug product equivalent for the prescribed drug only if: (a) the purchaser specifically requests or consents to the substitution of a drug product equivalent; (b) the drug product equivalent is of the same generic type and is designated the therapeutic equivalent in the approved drug products with therapeutic equivalence evaluations prepared by the Center for Drug Evaluation and Research of the Federal Food and Drug Administration.	Yes	Yes
<b>Vermont</b>	20-4 Vt. Code R. § 1400	When a pharmacist receives a prescription for a drug which is listed either by generic name or brand name in the U.S. Department of Health and Human Services publication Approved Drug Products With Therapeutic Equivalence Evaluations (the “Orange Book”), the pharmacist shall select the lowest priced drug from the list which in his or her professional judgment is an generically equivalent drug product and which he or she has in stock, unless otherwise instructed by the purchaser or prescriber.	No	No

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<b>Virginia</b>	Va. Code Ann. § 65.2-603.1	“Therapeutically equivalent drug products” means drug products that (i) contain the same active ingredients, (ii) are identical in strength or concentration, dosage form, and route of administration, and (iii) are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of “therapeutically equivalent drug products” set forth in the most recent edition of Approved Drug Products with Therapeutic Equivalence Evaluations, known as the Orange Book.	Yes	Yes
<b>Washington</b>	Wash. Admin. Code § 246-899-030	(1) The determination of the drug product to be dispensed on a prescription is a professional responsibility of the pharmacist, and the pharmacist shall not dispense any product that in his/her professional opinion does not meet adequate standards.  (2) Pharmacists may utilize as the basis for their decisions on therapeutically equivalent drug products:  (c) The federal food and drug administration “approved drug products” as a board approved reference for a positive formulary of therapeutically equivalent products within the limitations stipulated in that publication.	No	Yes
<b>West Virginia</b>	W. Va. Code Ann. § 30-5-12b	(4) “Equivalent” means drugs or drug products which are the same amounts of identical active ingredients and same dosage form and which will provide the same therapeutic efficacy and toxicity when administered to an individual and is approved by the United States Food and Drug Administration.(b) A pharmacist who receives a prescription for a brand name drug or drug product shall substitute a less expensive equivalent generic name drug or drug product	Yes	Yes
<b>Wisconsin</b>	Wis. Stat. Ann. § 450.13	A pharmacist shall dispense every prescription using either the drug product prescribed or its drug product equivalent, if its drug product equivalent is lower in price to the consumer than the drug product prescribed, and shall inform the consumer of the options available in dispensing the prescription. In this section, “drug product equivalent” means a drug product that is designated the therapeutic equivalent of another drug product by the federal food and drug administration.	Yes	Yes

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<b>Wyoming</b>	Wyo. Stat. Ann. § 33-24-147	“Generically equivalent drug” means a drug that contains identical active ingredients in the identical dosage forms, but not necessarily containing the same inactive ingredients, that meet the identical compendial or other applicable standards of identity, strength, quality and purity, including potency, and, where applicable, content uniformity, disintegration times or dissolution rates, as the prescribed brand name drug, and, if applicable, the manufacturer or distributor holds either an approved new drug application or an approved abbreviated new drug application unless other approval by law or from the Federal Food and Drug Administration is required. A generically equivalent drug shall bear an “AB” or higher rating in the Federal Food and Drug Administration Approved Drug Products with Therapeutic Equivalence Evaluations.	Yes	Yes

ATLANTA 5605173.1