



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone 517 373 6466

PRESCRIPTION DRUG ABUSE

House Bill 4500 as passed by the House
Sponsor: Rep. David M. Gubow

Second Analysis (8-11-87)
Committee: Public Health

SEP 14 1987

John R. ...

THE APPARENT PROBLEM:

The abuse of prescription drugs is a nationwide problem. According to a report by the U.S. Comptroller General, more Americans have abused or misused prescription drugs than they have illegal drugs such as cocaine, hallucinogens, or heroin.

A state Prescription Abuse Data Synthesis committee (known as "PADS") was formed by gubernatorial directive in 1983 to coordinate the efforts and resources of state and federal agencies, law enforcement officials, and state professional associations in order to analyze the problem of prescription drug abuse and to recommend solutions. The committee held a conference on prescription drug diversion and abuse in 1985 and published reports and recommendations in 1984 and 1985. With the cooperation of the Department of Licensing and Regulation, a number of the committee's recommendations have been developed into proposed legislation.

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code to specify that people who had been convicted for a criminal offense relating to prescription drugs would be prohibited for three years from having a "direct financial interest" in the manufacture, distribution, prescription, or dispensation of prescription drugs or from working at a job that involved direct access to prescription drugs. Violators would be subject to a civil fine of up to \$25,000. The bill would not apply to people who had been convicted of misdemeanors that either (a) were not directly related to the manufacture, delivery, possession, use, or distribution of a controlled substance or (b) were the result of unintentional clerical or record-keeping errors.

MCL 333 7311

FISCAL IMPLICATIONS:

The House Fiscal Agency reports no fiscal implications to the state. (5-27-87)

ARGUMENTS:

For:

According to U.S. Drug Enforcement Administration (DEA) data, in 1983 Michigan ranked number one among the states in per-capita consumption of commonly abused prescription drugs. By the second quarter of 1986 (the most recent date for which DEA information is available), and after amphetamine rule amendments were adopted by the state Boards of Medicine and of Osteopathic Medicine and Surgery, Michigan's ranking of per-capita prescription drug consumption dropped dramatically in several categories.

Illegal drug diversion by licensed practitioners is one major way in which prescription drug abuse is abetted. Prohibiting people who had been convicted of criminal offenses relating to prescription drugs from maintaining a

financial interest in the distribution of drugs will make illegal diversion more difficult and costly for the one to two percent of the licensed practitioners engaged in illegal drug diversion, and reduce this problem even further.

POSITIONS:

The Michigan Pharmacists Association supports the bill. (8-12-87)

H.B. 4500 (8-11-87)