

HOUSE BILL No. 5744

April 6, 1992, Introduced by Reps. Bodem, Bennane, Bartnik, Brackenridge, Goss, McBryde, Baade, Gire, Bandstra, Dolan, McNutt, Johnson, Gnodtke, Oxender, Horton, Dalman, Olshove, Rocca, Yokich, Bobier, Weeks, Strand, Gernaat and DeMars and referred to the Committee on Public Health.

A bill to amend sections 17756 and 17757 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

section 17757 as amended by Act No. 304 of the Public Acts of 1986, being sections 333.17756 and 333.17757 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 17756 and 17757 of Act No. 368 of the
2 Public Acts of 1978, section 17757 as amended by Act No. 304 of
3 the Public Acts of 1986, being sections 333.17756 and 333.17757
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 17756. A prescription dispensed by a pharmacist shall
6 bear upon the label the name of the medication in the container,
7 unless the prescriber writes "do not label" on the prescription,
8 AND THE EXPIRATION DATE OF THE MEDICATION IN THE CONTAINER. A

1 label on a prescription dispensed by a dispensing prescriber
2 shall include the name AND THE EXPIRATION DATE of the medication
3 in the container.

4 Sec. 17757. (1) Upon a request made in person or by tele-
5 phone, a pharmacist engaged in the business of selling drugs at
6 retail shall provide the current selling price of a drug dis-
7 pensed by that pharmacy or comparative current selling prices of
8 generic and brand name drugs dispensed by that pharmacy. The
9 information shall be provided to the person making the request
10 before a drug is dispensed to the person. A person who makes a
11 request for price information under this subsection ~~shall~~ IS
12 not ~~be~~ obligated to purchase the drug for which the price or
13 comparative prices are requested.

14 (2) A pharmacist engaged in the business of selling drugs at
15 retail shall conspicuously display the notice described in sub-
16 section (3) at each counter over which prescription drugs are
17 dispensed.

18 (3) The notice required under subsection (2) shall be in
19 substantially the following form:

20 NOTICE TO CONSUMERS

21 ABOUT PRESCRIPTION DRUGS

22 Under Michigan law, you have the right to find out the price
23 of a prescription drug before the pharmacist fills the
24 prescription. You are under no obligation to have the
25 prescription filled here and may use this price information to

1 shop around at other pharmacies. You may request price
2 information in person or by telephone.

3 Every pharmacy has the current selling prices of both gen-
4 eric and brand name drugs dispensed by the pharmacy.

5 Ask your pharmacist if a lower-cost generic drug is avail-
6 able to fill your prescription. A generic drug contains the same
7 medicine as a brand name drug and is a suitable substitute in
8 most instances.

9 A generic drug may not be dispensed by your pharmacist if
10 your doctor has written "dispense as written" or the initials
11 "d.a.w." on the prescription.

12 If you have questions about the drugs which have been pre-
13 scribed for you, ask your doctor or pharmacist for more
14 information.

15 To avoid dangerous drug interactions, let your doctor and
16 pharmacist know about any other medications you are taking. This
17 is especially important if you have more than 1 doctor or have
18 prescriptions filled at more than 1 pharmacy.

19 (4) The notice required under subsection (2) shall also con-
20 tain the address and phone number of the board and the
21 department. The text of the notice shall be in at least 32-point
22 bold type and shall be printed on paper at least 11 inches by 17
23 inches in size. The notice may be printed on multiple pages.

24 (5) A copy of the notice required under subsection (2) shall
25 be provided to each licensee by the department. Additional
26 copies shall be available if needed from the department. A
27 person may duplicate or reproduce the notice if the duplication

1 or reproduction is a true copy of the notice as produced by the
2 department, without any additions or deletions whatsoever.

3 (6) The pharmacist shall furnish to the purchaser of a pre-
4 scription drug at the time the drug is delivered to the purchaser
5 a receipt evidencing the ~~transactions, which~~ TRANSACTION THAT
6 contains ALL OF the following INFORMATION:

7 (a) The brand name of the drug, if applicable.

8 (b) The name of the manufacturer or the supplier of the
9 drug, if the drug does not have a brand name.

10 (c) The strength of the drug, if significant.

11 (d) The quantity dispensed, if applicable.

12 (E) THE EXPIRATION DATE OF THE DRUG.

13 (F) ~~(e)~~ The name and address of the pharmacy.

14 (G) ~~(f)~~ The serial number of the prescription.

15 (H) ~~(g)~~ The date the prescription was originally
16 dispensed.

17 (I) ~~(h)~~ The name of the prescriber.

18 (J) ~~(i)~~ The name of patient for whom the drug was
19 prescribed.

20 (K) ~~(j)~~ The price for which the drug was sold to the
21 purchaser.

22 (7) Subsection (6)(a), (b), and (c) may be omitted by a
23 pharmacist only if the omission is expressly required by the
24 prescriber. The pharmacist shall retain a copy of each receipt
25 for 90 days. The inclusion of subsection (6) on the prescription
26 container label is a valid receipt to the purchaser. Including

1 subsection (6) on the written prescription form and retaining the
2 form constitutes retention of a copy of the receipt.

3 (8) The board may promulgate rules to implement this
4 section.