



**House  
Legislative  
Analysis  
Section**

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**PRESCRIPTIONS: EXP. DATES**

**House Bill 4338 (Substitute H-1)  
First Analysis (3-3-93)**

**Sponsor: Rep. Beverly Bodem  
Committee: Public Health**

***THE APPARENT PROBLEM:***

Many people, including many older people on multiple medications, keep their old, unused prescription medications in the moist, warm atmosphere of their bathrooms. And yet the effects of age, heat, light, and moisture on prescription drugs can be very harmful, weakening some drug's potency, destroying some drug's protective covering (that can control how fast and where in the body the drug is absorbed), causing some drugs (such as tetracycline) to break down into toxic byproducts, or, through evaporation of alcohol or water, causing some liquid drugs to become much stronger per dose than originally prescribed. Legislation has been introduced that would require additional information on the prescription label.

***THE CONTENT OF THE BILL:***

Currently, the Public Health Code requires that the name of a prescription medication be put on the label of the container (unless the prescriber writes "do not label" on the prescription). The bill would amend the code to require, in addition, that a notice be added to the labels of containers of prescription medications saying "Discard this medication one year from the date of issuance." Prescriptions dispensed by prescribers (that is, by prescribing physicians or dentists) would be required to have only this notice. Prescriptions dispensed by pharmacists would have to have the notice unless the medication expired at an earlier date under applicable laws, rules, or other state or federal standards. In these cases, the required notice would have to be stricken or omitted and instead the pharmacist would have to specify on the label the date upon which the medication would expire.

MCL 333.17756 and 333.17757

***FISCAL IMPLICATIONS:***

Fiscal information is not available.

***ARGUMENTS:***

***For:***

The bill would help protect people from inadvertently taking prescription drugs which are weakened or actually toxic because they are old or outdated, or had been improperly stored. The proposed warning to discard drugs could be particularly helpful to older people, who may be on multiple prescriptions that they keep for long periods of time.

Depending on the drug and the age of the pharmacist's stock, a prescription drug may remain good for years or for only a few months. But patients rarely have any way to know when it is no longer safe or advisable to use the drug. What is more, few patients are told how to store medicines so that they keep their potency and do not break down faster than usual to form potentially hazardous by-products or lose the coating that controls how fast and where the drug is absorbed. (In fact, most people keep their prescription drugs in their bathroom medicine cabinets, where heat and moisture can hasten deterioration.)

Finally, the issue of expiration dates has become increasingly important with changes in pharmaceutical practices encouraged by health insurance plans. People with chronic ailments like high blood pressure, diabetes, or arthritis now often buy three-month supplies at one time. Without expiration dates on each supply, consumers might be tempted to mix the various prescriptions and end up with erratic doses.

***Response:***

The bill does not go far enough. Instead of requiring just a notice to discard prescription medication one year after it was issued, the bill should require specific expiration dates.

Consumers are now being told more about how long to keep food and over-the-counter (OTC) drugs than about prescription drugs that can sharply

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influence their health. The American Pharmaceutical Association reportedly recommends including expiration dates on prescription labels, while at least seven states (as of 1991) require such labeling. And while some pharmacists may voluntarily put expiration dates on prescription labels, most do not because it is not required by law. (For example, one large pharmacy chain reportedly already has "EXP" on its prescription labels -- because the computer program for the nationwide chain needs it in other states where such labeling is required -- but doesn't provide this information in Michigan because it is not required to do so by state law.)

In addition, since, apparently, much of the drug deterioration is due to improper storage -- rather than actually outdated prescriptions -- storage instructions also should be included when prescriptions are filled.

***Against:***

The bill is not needed. Doctors already can specify on prescription forms "label expiration date," while patients can request such labeling on their own when they turn in prescriptions. Consumers also reportedly have the right to refuse a filled prescription if they learn that the expiration date is sooner than when the medication is likely to be used up.

***Response:***

In the first place, how many doctors think to require expiration dates on prescription labels and how many patients know that they can request that such information be put on the labels? Consumers have come to expect expiration dates, and when they don't find any on prescriptions they may assume incorrectly that the drugs are good indefinitely. Expiration dates should be required by law in order to reduce consumer confusion.

***POSITIONS:***

The Michigan Pharmacists Association supports the bill. (3-3-93)

The American Association for Retired People supports the bill. (3-3-93)

The Bureau of Occupational and Professional Regulation (in the Department of Commerce) does not yet have a position on the bill. (3-3-93)