



SENATE BILL No. 1330

December 7, 1994, Introduced by Senator HART and referred to the Committee on Health Policy and Senior Citizens.

A bill to amend section 17755 of Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
being section 333.17755 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 17755 of Act No. 368 of the Public Acts
2 of 1978, being section 333.17755 of the Michigan Compiled Laws,
3 is amended to read as follows:

4 Sec. 17755. (1) ~~When~~ EXCEPT AS OTHERWISE PROVIDED IN
5 SUBSECTION (3), IF a pharmacist receives a prescription for a
6 brand name drug product, the pharmacist may ~~, or when a pur-~~
7 ~~chaser requests a lower cost generically equivalent drug product,~~
8 ~~the pharmacist shall~~ dispense a lower cost but not higher cost
9 generically equivalent drug product if available in the pharmacy.
10 ~~, except as provided in subsection (3).~~ If EXCEPT AS OTHERWISE

1 PROVIDED IN SUBSECTION (3), IF A PURCHASER REQUESTS A LOWER COST
2 GENERICALLY EQUIVALENT DRUG PRODUCT, THE PHARMACIST SHALL DIS-
3 PENSE A LOWER COST BUT NOT HIGHER COST GENERICALLY EQUIVALENT
4 DRUG PRODUCT IF AVAILABLE IN THE PHARMACY. EXCEPT AS OTHERWISE
5 PROVIDED IN SECTION 17756, IF a drug is dispensed ~~which~~ THAT is
6 not the prescribed brand, the PHARMACIST SHALL ORALLY NOTIFY THE
7 purchaser ~~shall be notified~~ OF THAT FACT and ~~the prescription~~
8 ~~label~~ shall indicate ON THE PRESCRIPTION LABEL both the name of
9 the brand prescribed and the name of the brand dispensed. ~~and~~
10 ~~designate each respectively.~~ If the dispensed drug does not have
11 a brand name, the prescription label shall indicate the NAME OF
12 THE BRAND PRESCRIBED FOLLOWED BY THE generic name of the drug
13 dispensed ~~, except as otherwise provided in section 17756~~ OR
14 THE REFERENCE "GENERIC" OR "GENERIC EQUIVALENT" IN THE CASE OF A
15 MULTI-INGREDIENT DRUG PRODUCT. THE PHARMACIST SHALL NOT ABBREVI-
16 ATE OR SUBSTITUTE ANY OTHER TERM FOR THE WORD "GENERIC" OR THE
17 PHRASE "GENERIC EQUIVALENT".

18 (2) If a pharmacist dispenses a generically equivalent drug
19 product, the pharmacist shall pass on the savings in cost to the
20 purchaser or to the third party payment source if the prescrip-
21 tion purchase is covered by a third party pay contract. The sav-
22 ings in cost is the difference between the wholesale cost to the
23 pharmacist of the 2 drug products.

24 (3) The pharmacist shall not dispense a generically equiva-
25 lent drug product under subsection (1) if any of the following
26 applies:

1 (a) The prescriber, in the case of a prescription in writing
2 signed by the prescriber, writes in his or her own handwriting
3 "dispense as written" or "d.a.w." on the prescription.

4 (b) The prescriber, having preprinted on his or her pre-
5 scription blanks the statement "another brand of a generically
6 equivalent product, identical in dosage, form, and content of
7 active ingredients, may be dispensed unless initialed d.a.w.",
8 writes in his or her own handwriting — the initials "d.a.w."
9 in a space, box, or square adjacent to the statement.

10 (c) The prescriber, in the case of a prescription other than
11 ~~one~~ A PRESCRIPTION in writing signed by the prescriber,
12 expressly indicates the prescription is to be dispensed as
13 communicated.

14 (4) A pharmacist ~~may~~ SHALL not dispense a drug product
15 with a total charge that exceeds the total charge of the drug
16 product originally prescribed, unless agreed to by the
17 purchaser.