



# SENATE BILL No. 319

February 22, 1995, Introduced by Senators ROGERS, SCHWARZ, DUNASKISS and SHUGARS and referred to the Committee on Health Policy and Senior Citizens.

A bill to amend sections 17756 and 17764 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 17756 as amended by Act No. 73 of the Public Acts of 1993, being sections 333.17756 and 333.17764 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 17756 and 17764 of Act No. 368 of the  
2 Public Acts of 1978, section 17756 as amended by Act No. 73 of  
3 the Public Acts of 1993, being sections 333.17756 and 333.17764  
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 17756. (1) A prescription dispensed by a pharmacist  
6 shall bear upon the label the name of the medication in the  
7 container, unless the prescriber writes "do not label" on the  
8 prescription. The prescription shall also bear upon the label

1 the following statement: "Discard this medication 1 year after  
2 the date it is dispensed.", unless the medication expires on  
3 another date under applicable state or federal law or rules or  
4 regulations or other state or federal standards. If the medica-  
5 tion expires on another date, the pharmacist dispensing the pre-  
6 scription shall strike or omit the statement required under this  
7 subsection and shall specify on the label the actual expiration  
8 date of the medication.

9 (2) A label on a prescription dispensed by a dispensing pre-  
10 scriber shall include the name of the medication in the  
11 container. The label shall also include the statement required  
12 under subsection (1) or the actual expiration date of the medica-  
13 tion in the container in the same manner required under  
14 subsection (1) for a prescription dispensed by a pharmacist.

15 (3) A PHARMACIST, A DISPENSING PRESCRIBER, OR ANY OTHER  
16 PERSON SHALL NOT TRANSFER MEDICATION THAT HAS EXPIRED OR SHOULD  
17 BE DISCARDED UNDER SUBSECTION (1) OR (2) TO ANOTHER CONTAINER FOR  
18 RESALE.

19 Sec. 17764. A person WHO DOES 1 OR MORE OF THE FOLLOWING  
20 is guilty of a misdemeanor: ~~who:~~

21 (a) Adulterates, misbrands, or substitutes a drug or device  
22 knowing or intending that it shall be used.

23 (b) Sells, offers for sale, possesses for sale, causes to be  
24 sold, or manufactures for sale an adulterated or misbranded  
25 drug.

26 (c) Sells, offers for sale, possesses for sale, or  
27 manufactures for sale a drug or device bearing or accompanied by

1 a label that is misleading as to the contents, uses, or purposes  
2 of the drug or device. In determining whether a label is mis-  
3 leading, A DISCIPLINARY SUBCOMMITTEE SHALL GIVE consideration  
4 ~~shall be given~~ to the representations made or suggested by the  
5 ~~statement, word, design, device, sound, or any combination~~  
6 ~~thereof~~ INFORMATION ON THE LABEL, and the extent to which the  
7 label fails to reveal facts THAT ARE material in view of the rep-  
8 resentations made or THAT ARE material as to consequences ~~which~~  
9 THAT may result from use of the LABELED drug or device ~~to which~~  
10 ~~the label relates~~ under conditions of use prescribed ~~in~~ ON the  
11 label or under customary or usual conditions of use.

12 (D) VIOLATES SECTION 17756(3).