

HOUSE BILL No. 4249

February 14, 2001, Introduced by Reps. Kowall, Bishop, Raczkowski, Allen, Hager, Hansen, Richardville, Middaugh, Schermesser, Daniels, Vear, Spade, Ruth Johnson, Stewart, Julian, Vander Veen, Koetje, DeVuyst and Switalski and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17757 (MCL 333.17757), as amended by 1986 PA
304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17757. (1) Upon a request made in person or by tele-
2 phone, a pharmacist engaged in the business of selling drugs at
3 retail shall provide THE REQUESTING INDIVIDUAL WITH the current
4 selling price of a drug dispensed by that pharmacy or comparative
5 current selling prices of generic and brand name drugs dispensed
6 by that pharmacy. The PHARMACIST SHALL PROVIDE THE information
7 ~~shall be provided~~ to the ~~person~~ INDIVIDUAL making the request
8 before a drug is dispensed to the ~~person~~ INDIVIDUAL. ~~A~~
9 ~~person~~ AN INDIVIDUAL who makes a request for price information
10 under this subsection ~~shall~~ IS not ~~be~~ obligated to purchase

1 the drug for which the price or comparative prices are
2 requested.

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

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

9 NOTICE TO CONSUMERS

10 ABOUT PRESCRIPTION DRUGS

11 Under Michigan law, you have the right to find out the price
12 of a prescription drug before the pharmacist fills the
13 prescription. You are under no obligation to have the prescrip-
14 tion filled here and may use this price information to shop
15 around at other pharmacies. You may request price information in
16 person or by telephone.

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

19 Ask your pharmacist if a lower-cost generic drug is avail-
20 able to fill your prescription. A generic drug contains the same
21 medicine as a brand name drug and is a suitable substitute in
22 most instances.

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

1 If you have questions about the drugs which have been
2 prescribed for you, ask your doctor or pharmacist for more
3 information.

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

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

13 (5) ~~A~~ THE DEPARTMENT SHALL PROVIDE A copy of the notice
14 required under subsection (2) ~~shall be provided~~ to each
15 licensee ~~by the department~~ SUBJECT TO SUBSECTION (2).
16 ~~Additional~~ THE DEPARTMENT SHALL MAKE ADDITIONAL copies ~~shall~~
17 ~~be~~ available if needed. ~~from the department.~~ A person may
18 duplicate or reproduce the notice if the duplication or reproduc-
19 tion is a true copy of the notice as produced by the department,
20 without any additions or deletions whatsoever.

21 (6) ~~The~~ A pharmacist shall furnish to the purchaser of a
22 prescription drug at the time the PRESCRIPTION drug is
23 ~~delivered~~ DISPENSED to the purchaser a WRITTEN receipt evidenc-
24 ing the ~~transactions, which contains~~ PURCHASE TRANSACTION. THE
25 PHARMACIST SHALL INCLUDE ALL OF the following INFORMATION ON THE
26 RECEIPT:

- 1 (a) The brand name of the PRESCRIPTION drug, if applicable.
- 2 (b) The name of the manufacturer or the supplier of the
- 3 PRESCRIPTION drug, if the PRESCRIPTION drug does not have a brand
- 4 name.
- 5 (c) The strength of the PRESCRIPTION drug, if significant.
- 6 (d) The quantity dispensed, if applicable.
- 7 (e) The name and address of the pharmacy.
- 8 (f) The serial number of the prescription.
- 9 (g) The date the prescription was originally dispensed.
- 10 (h) The name of the prescriber.
- 11 (i) The name of patient for whom the drug was prescribed.
- 12 (j) The TOTAL price for which the PRESCRIPTION drug was sold
- 13 to the purchaser, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOL-
- 14 LOWING INFORMATION REGARDING THE TOTAL PRICE:
- 15 (i) ANY DISCOUNT GIVEN AND THE SOURCE OF THE DISCOUNT.
- 16 (ii) IF THE PRESCRIPTION WAS PAID FOR IN WHOLE OR IN PART BY
- 17 THE PURCHASER'S HEALTH CARE PAYMENT OR BENEFIT PLAN, THE AMOUNT
- 18 OF THE PAYMENT.
- 19 (7) Subsection (6)(a), (b), and (c) may be omitted FROM A
- 20 RECEIPT by a pharmacist only if the omission is expressly
- 21 required by the prescriber. The pharmacist shall retain a copy
- 22 of each receipt for NOT LESS THAN 90 days. The inclusion of THE
- 23 INFORMATION REQUIRED BY subsection (6) on the prescription con-
- 24 tainer label is a valid receipt to the purchaser AND CONSTITUTES
- 25 COMPLIANCE WITH SUBSECTION (6). Including THE INFORMATION
- 26 REQUIRED BY subsection (6) on the written prescription form and
- 27 retaining the PRESCRIPTION form FOR NOT LESS THAN 90 DAYS

1 constitutes retention of a copy of the receipt FOR PURPOSES OF
2 THIS SUBSECTION.

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