

SENATE BILL No. 416

April 24, 2001, Introduced by Senators HAMMERSTROM, SHUGARS, BULLARD and SCHWARZ 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 current selling price of a drug dis-
4 pensed by that pharmacy or comparative current selling prices of
5 generic and brand name drugs dispensed by that pharmacy. The
6 information shall be provided to the person making the request
7 before a drug is dispensed to the person. A person who makes a
8 request for price information under this subsection ~~shall~~ IS
9 not ~~be~~ obligated to purchase the drug for which the price or
10 comparative prices are requested.

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

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

7 NOTICE TO CONSUMERS

8 ABOUT PRESCRIPTION DRUGS

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

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

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

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

24 If you have questions about the drugs which have been pre-
25 scribed for you, ask your doctor or pharmacist for more
26 information.

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

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

10 (5) A copy of the notice required under subsection (2) shall
11 be provided to each licensee by the department. Additional
12 copies shall be available if needed from the department. A
13 person may duplicate or reproduce the notice if the duplication
14 or reproduction is a true copy of the notice as produced by the
15 department, without any additions or deletions whatsoever.

16 (6) ~~The~~ A pharmacist shall furnish to the purchaser of a
17 prescription drug at the time the PRESCRIPTION drug is delivered
18 to the purchaser a receipt evidencing the ~~transactions, which~~
19 ~~contains~~ TRANSACTION. THE PHARMACIST SHALL INCLUDE ALL OF the
20 following INFORMATION ON THE RECEIPT:

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

22 (b) The name of the manufacturer or the supplier of the
23 PRESCRIPTION drug, if the drug does not have a brand name.

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

25 (d) The quantity dispensed, if applicable.

26 (e) The name and address of the pharmacy.

1 (f) The serial number of the prescription.

2 (g) The date the prescription was originally dispensed.

3 (h) The name of the prescriber.

4 (i) The name of patient for whom the PRESCRIPTION drug was
5 prescribed.

6 (j) The price for which the PRESCRIPTION drug was sold to
7 the purchaser, INCLUDING BOTH THE RETAIL PRICE AND THE CO-PAY, IF
8 ANY, PAID BY THE PURCHASER.

9 (7) Subsection (6)(a), (b), and (c) may be omitted by a
10 pharmacist only if the omission is expressly required by the
11 prescriber. The pharmacist shall retain a copy of each receipt
12 for 90 days. The inclusion of THE INFORMATION PRESCRIBED BY sub-
13 section (6) on the prescription container label is a valid
14 receipt to the purchaser FOR PURPOSES OF THIS SECTION. Including
15 THE INFORMATION PRESCRIBED BY subsection (6) on the written pre-
16 scription form and retaining the form constitutes retention of a
17 copy of the receipt.

18 (8) The board may promulgate rules to implement this
19 section.