

SUBSTITUTE FOR
HOUSE BILL NO. 6021

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17766 (MCL 333.17766), as amended by 1990 PA
30, and by adding section 17766d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17766. Except as provided in section ~~17766a~~ 17766d,
2 a person who does any of the following is guilty of a
3 misdemeanor:
4 (a) Obtains or attempts to obtain a prescription drug by
5 giving a false name to a pharmacist or other authorized seller,
6 prescriber, or dispenser.
7 (b) Obtains or attempts to obtain a prescription drug by
8 falsely representing that he or she is a lawful prescriber,
9 dispenser, or licensee, or acting on behalf of a lawful
10 prescriber, dispenser, or licensee.

1 (c) Falsely makes, utters, publishes, passes, alters, or
2 forges a prescription.

3 (d) Knowingly possesses a false, forged, or altered
4 prescription.

5 (e) Knowingly attempts to obtain, obtains, or possesses a
6 drug by means of a prescription for other than a legitimate
7 therapeutic purpose, or as a result of a false, forged, or
8 altered prescription.

9 (f) Possesses or controls for the purpose of resale, or
10 sells, offers to sell, dispenses, or gives away, a drug,
11 pharmaceutical preparation, or chemical that has been dispensed
12 on prescription and has left the control of a pharmacist. ~~—, or~~

13 **(g) Possesses or controls for the purpose of resale, or**
14 **sells, offers to sell, dispenses, or gives away, a drug,**
15 **pharmaceutical preparation, or chemical** that has been damaged by
16 heat, smoke, fire, water, or other cause and is unfit for human
17 or animal use.

18 **(h)** ~~—(g)—~~ Prepares or permits the preparation of a
19 prescription drug, except as delegated by a pharmacist.

20 **(i)** ~~—(h)—~~ Sells a drug in bulk or in an open package at
21 auction, unless the sale has been approved in accordance with
22 rules of the board.

23 **Sec. 17766d. (1) Notwithstanding section 17766(f), a**
24 **pharmacy operated by the department of corrections or under**
25 **contract with the department of corrections may accept for the**
26 **purpose of resale or redispensing a prescription drug that has**
27 **been dispensed and has left the control of the pharmacist if the**

1 prescription drug is being returned by a state correctional
2 facility that has a registered professional nurse or a licensed
3 practical nurse who is responsible for the security, handling,
4 and administration of prescription drugs within that state
5 correctional facility and if all of the following are met:

6 (a) The pharmacist is satisfied that the conditions under
7 which the prescription drug has been delivered, stored, and
8 handled before and during its return were such as to prevent
9 damage, deterioration, or contamination that would adversely
10 affect the identity, strength, quality, purity, stability,
11 integrity, or effectiveness of the prescription drug.

12 (b) The pharmacist is satisfied that the prescription drug
13 did not leave the control of the registered professional nurse or
14 licensed practical nurse responsible for the security, handling,
15 and administration of that prescription drug and that the
16 prescription drug did not come into the physical possession of
17 the individual for whom it was prescribed.

18 (c) The pharmacist is satisfied that the labeling and
19 packaging of the prescription drug are accurate, have not been
20 altered, defaced, or tampered with, and include the identity,
21 strength, expiration date, and lot number of the prescription
22 drug.

23 (d) The prescription drug was dispensed in a unit dose
24 package or unit of issue package.

25 (2) A pharmacy operated by the department of corrections or
26 under contract with the department of corrections shall not
27 accept for return prescription drugs as provided under this

1 section until the pharmacist in charge develops a written set of
2 protocols for accepting, returning to stock, repackaging,
3 labeling, and redispensing prescription drugs. The written
4 protocols shall be maintained on the premises and shall be
5 readily accessible to each pharmacist on duty. The written
6 protocols shall include, at a minimum, each of the following:

7 (a) Methods to ensure that damage, deterioration, or
8 contamination has not occurred during the delivery, handling,
9 storage, and return of the prescription drugs which would
10 adversely affect the identity, strength, quality, purity,
11 stability, integrity, or effectiveness of those prescription
12 drugs or otherwise render those drugs unfit for distribution.

13 (b) Methods for accepting, returning to stock, repackaging,
14 labeling, and redispensing the prescription drugs returned under
15 this section.

16 (c) A uniform system of recording and tracking prescription
17 drugs that are returned to stock, repackaged, labeled, and
18 redistributed under this section.

19 (3) If the integrity of a prescription drug and its package
20 is maintained, a prescription drug returned under this section
21 shall be returned to stock and redistributed as follows:

22 (a) A prescription drug that was originally dispensed in the
23 manufacturer's unit dose package or unit of issue package and is
24 returned in that same package may be returned to stock,
25 repackaged, and redispensed as needed.

26 (b) A prescription drug that is repackaged into a unit dose
27 package or a unit of issue package by the pharmacy, dispensed,

1 and returned to that pharmacy in that unit dose package or unit
2 of issue package may be returned to stock, but it shall not be
3 repackaged. A unit dose package or unit of issue package
4 prepared by the pharmacist and returned to stock shall only be
5 redispensed in that same unit dose package or unit of issue
6 package and shall only be redispensed once. A pharmacist shall
7 not add unit dose package drugs to a partially used unit of issue
8 package.

9 (4) This section does not apply to any of the following:

10 (a) A controlled substance.

11 (b) A prescription drug that is dispensed as part of a
12 customized patient medication package.

13 (c) A prescription drug that is not dispensed as a unit dose
14 package or a unit of issue package.

15 (d) A prescription drug that is not properly labeled with the
16 identity, strength, lot number, and expiration date.

17 (e) A prescription drug that is dispensed in a medical
18 institution and returned to stock for redistribution in
19 accordance with R 338.486 of the Michigan administrative code.

20 (5) As used in this section:

21 (a) "Customized patient medication package" means a package
22 that is prepared by a pharmacist for a specific patient that
23 contains 2 or more prescribed solid oral dosage forms.

24 (b) "Repackage" means a process by which the pharmacy
25 prepares a unit dose package, unit of issue package, or
26 customized patient medication package for immediate dispensing
27 pursuant to a current prescription.

1 (c) "State correctional facility" means a facility or
2 institution that houses a prisoner population under the
3 jurisdiction of the department of corrections.

4 (d) "Unit dose package" means a package that contains a
5 single dose drug with the name, strength, control number, and
6 expiration date of that drug on the label.

7 (e) "Unit of issue package" means a package that provides
8 multiple doses of the same drug, but each drug is individually
9 separated and includes the name, lot number, and expiration date.