

HOUSE BILL No. 5466

December 1, 2005, Introduced by Rep. Accavitti and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17755 (MCL 333.17755).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17755. (1) When a pharmacist receives a prescription for
2 a brand name drug product ~~, the pharmacist may, or when a~~
3 ~~purchaser requests~~ **AND** a lower cost generically equivalent drug
4 product **IS AVAILABLE**, the pharmacist shall dispense ~~a~~ **THE** lower
5 cost ~~but not higher cost~~ generically equivalent drug product, ~~if~~
6 ~~available in the pharmacy,~~ except as provided in subsection (3).
7 If a drug is dispensed which is not the prescribed brand, the
8 purchaser shall be notified and the prescription label shall

1 indicate both the name of the brand prescribed and the name of the
2 brand dispensed and designate each respectively. If the dispensed
3 drug does not have a brand name, the prescription label shall
4 indicate the generic name of the drug dispensed, except as
5 otherwise provided in section 17756.

6 (2) If a pharmacist dispenses a generically equivalent drug
7 product, the pharmacist shall pass on the savings in cost to the
8 purchaser or to the third party payment source if the prescription
9 purchase is covered by a third party pay contract. The savings in
10 cost is the difference between the wholesale cost to the pharmacist
11 of the 2 drug products.

12 (3) The pharmacist shall not dispense a generically equivalent
13 drug product under subsection (1) if any of the following applies:

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

17 (b) The prescriber, having preprinted on his or her
18 prescription blanks the statement "another brand of a generically
19 equivalent product, identical in dosage, form, and content of
20 active ingredients, may be dispensed unless initialed d.a.w.",
21 writes in his or her own handwriting, the initials "d.a.w." in a
22 space, box, or square adjacent to the statement.

23 (c) The prescriber, in the case of a prescription other than
24 one in writing signed by the prescriber, expressly indicates the
25 prescription is to be dispensed as communicated.

26 (4) A pharmacist may not dispense a drug product with a total
27 charge that exceeds the total charge of the drug product originally

1 prescribed, unless agreed to by the purchaser.