

Act No. 73
Public Acts of 2005
Approved by the Governor
July 19, 2005
Filed with the Secretary of State
July 19, 2005
EFFECTIVE DATE: July 19, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senators Hardiman, Patterson, Garcia, Birkholz, Allen, Cropsey, Hammerstrom, Sikkema, Kuipers, Stamas, Jelinek, Barcia, Basham, Bishop, Brater, Cherry, Clark-Coleman, George, Gilbert, Goschka, Jacobs, Olshove, Schauer and Van Woerkom

ENROLLED SENATE BILL No. 352

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 17752 (MCL 333.17752).

The People of the State of Michigan enact:

Sec. 17752. (1) A prescription, or an equivalent record of the prescription approved by the board, shall be preserved by a licensee or dispensing prescriber for not less than 5 years.

(2) A prescription or equivalent record on file in a pharmacy is not a public record. A person having custody of or access to prescriptions shall not disclose their contents or provide copies without the patient's authorization, to any person except to any of the following:

- (a) The patient for whom the prescription was issued, or another pharmacist acting on behalf of the patient.
- (b) The authorized prescriber who issued the prescription, or a licensed health professional who is currently treating the patient.
- (c) An agency or agent of government responsible for the enforcement of laws relating to drugs and devices.
- (d) A person authorized by a court order.
- (e) A person engaged in research projects or studies with protocols approved by the board.

(3) A pharmacist may refill a copy of a prescription from another pharmacy if the original prescription has remaining authorized refills, and the copy is issued according to the following procedure:

(a) The pharmacist issuing a written or oral copy of a prescription shall cancel the original prescription and record the cancellation. The record of cancellation shall include the date the copy was issued, to whom issued, and the identification of the pharmacist who issued the copy.

(b) The written or oral copy issued shall be a duplicate of the original prescription except that it shall also include the prescription number, the name of the pharmacy issuing the copy, the date the copy was issued, and the number of authorized refills remaining available to the patient.

(c) The pharmacist receiving a written or oral copy of the prescription shall exercise reasonable diligence to determine whether it is a valid copy, and having done so may treat the copy as an original prescription.

(d) Except as described in this part, all other copies furnished shall be used for information purposes only and clearly marked "for informational or reference purposes only".

(4) Subsection (3) does not apply to pharmacies that share a real-time, on-line database or other equivalent means of communication or to pharmacies that transfer prescriptions pursuant to a written contract for centralized prescription processing services as provided under section 17753.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4434 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor