SENATE BILL No. 717

September 4, 2007, Introduced by Senators JACOBS and ANDERSON and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled

"Public health code,"

by amending sections 17745, 17756, and 17757 (MCL 333.17745, 333.17756, and 333.17757), section 17745 as amended by 2006 PA 672, section 17756 as amended by 1993 PA 73, and section 17757 as amended by 1986 PA 304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 17745. (1) Except as otherwise provided in this subsection, a prescriber who wishes to dispense prescription drugs shall obtain from the board a drug control license for each location in which the storage and dispensing of prescription drugs occur. A drug control license is not necessary if the dispensing occurs in the emergency department, emergency room, or trauma center of a hospital licensed under article 17 or if the

SENATE BILL No. 717

dispensing involves only the issuance of complimentary starter dose drugs.

(2) A dispensing prescriber shall dispense prescription drugs only to his or her own patients.

(3) A dispensing prescriber shall include in a patient's chart or clinical record a complete record, including prescription drug names, dosages, and quantities, of all prescription drugs dispensed directly by the dispensing prescriber or indirectly under his or her delegatory authority. If prescription drugs are dispensed under the prescriber's delegatory authority, the delegatee who dispenses the prescription drugs shall initial the patient's chart, clinical record, or log of prescription drugs dispensed. In a patient's chart or clinical record, a dispensing prescriber shall distinguish between prescription drugs dispensed to the patient and prescription drugs prescribed for the patient. A dispensing prescriber shall retain information required under this subsection for not less than 5 years after the information is entered in the patient's chart or clinical record.

(4) A dispensing prescriber shall store prescription drugs under conditions that will maintain their stability, integrity, and effectiveness and will assure that the prescription drugs are free of contamination, deterioration, and adulteration.

(5) A dispensing prescriber shall store prescription drugs in a substantially constructed, securely lockable cabinet. Access to the cabinet shall be limited to individuals authorized to dispense prescription drugs in compliance with this part and

article 7.

(6) Unless otherwise requested by a patient, a dispensing prescriber shall dispense a prescription drug in a safety closure container that complies with the poison prevention packaging act of 1970, ~~Public Law 91-601, 84 Stat. 1670~~ **15 USC 1471 TO 1476**.

(7) A dispensing prescriber shall dispense a drug in a container that bears a label containing all of the following information:

(a) The name and address of the location from which the prescription drug is dispensed.

(b) The patient's name and record number.

(c) The date the prescription drug was dispensed.

(d) The prescriber's name. **IF THE PRESCRIBER IS A LICENSED HEALTH PROFESSIONAL WHO IS ACTING UNDER A DELEGATION AUTHORIZED UNDER THIS ARTICLE, THE LABEL SHALL INCLUDE THE NAMES OF THE PRESCRIBER AND THE DELEGATING LICENSED DOCTOR OF MEDICINE OR LICENSED DOCTOR OF OSTEOPATHIC MEDICINE AND SURGERY.**

(e) The directions for use.

(f) The name and strength of the prescription drug.

(g) The quantity dispensed.

(h) The expiration date of the prescription drug or the statement required under section 17756.

(8) A dispensing prescriber who dispenses a complimentary starter dose drug to a patient shall give the patient at least all of the following information, either by dispensing the complimentary starter dose drug to the patient in a container that bears a label containing the information or by giving the

patient a written document which may include, but is not limited to, a preprinted insert that comes with the complimentary starter dose drug, that contains the information:

(a) The name and strength of the complimentary starter dose drug.

(b) Directions for the patient's use of the complimentary starter dose drug.

(c) The expiration date of the complimentary starter dose drug or the statement required under section 17756.

(9) The information required under subsection (8) is in addition to, and does not supersede or modify, other state or federal law regulating the labeling of prescription drugs.

(10) In addition to meeting the requirements of this part, a dispensing prescriber who dispenses controlled substances shall comply with section 7303a.

(11) The board may periodically inspect locations from which prescription drugs are dispensed.

(12) The act, task, or function of dispensing prescription drugs shall be delegated only as provided in section 16215 and this part.

(13) A supervising physician may delegate in writing to a pharmacist practicing in a hospital pharmacy within a hospital licensed under article 17 the receipt of complimentary starter dose drugs other than controlled substances as defined by article 7 or federal law. When the delegated receipt of complimentary starter dose drugs occurs, both the pharmacist's name and the supervising physician's name shall be used, recorded, or

otherwise indicated in connection with each receipt. A pharmacist described in this subsection may dispense a prescription for complimentary starter dose drugs written or transmitted by facsimile, electronic transmission, or other means of communication by a prescriber.

(14) As used in this section, "complimentary starter dose" means a prescription drug packaged, dispensed, and distributed in accordance with state and federal law that is provided to a dispensing prescriber free of charge by a manufacturer or distributor and dispensed free of charge by the dispensing prescriber to his or her patients.

Sec. 17756. (1) A prescription dispensed by a pharmacist shall bear upon the label the name of the medication in the container, unless the prescriber writes "do not label" on the prescription. The prescription shall also bear upon the label the following statement: "Discard this medication 1 year after the date it is dispensed.", unless the medication expires on another date under applicable state or federal law or rules or regulations or other state or federal standards. If the medication expires on another date, the pharmacist dispensing the prescription shall strike or omit the statement required under this subsection and shall specify on the label the actual expiration date of the medication.

(2) A label on a prescription dispensed by a dispensing prescriber shall include the name of the medication in the container. The label shall also include the statement required under subsection (1) or the actual expiration date of the

medication in the container in the same manner required under subsection (1) for a prescription dispensed by a pharmacist.

(3) IF THE PRESCRIBER IS A LICENSED HEALTH PROFESSIONAL WHO IS ACTING UNDER A DELEGATION AUTHORIZED UNDER THIS ARTICLE, THE LABEL SHALL INCLUDE THE NAMES OF THE PRESCRIBER AND THE DELEGATING LICENSED DOCTOR OF MEDICINE OR LICENSED DOCTOR OF OSTEOPATHIC MEDICINE AND SURGERY.

Sec. 17757. (1) Upon a request made in person or by telephone, a pharmacist engaged in the business of selling drugs at retail shall provide the current selling price of a drug dispensed by that pharmacy or comparative current selling prices of generic and brand name drugs dispensed by that pharmacy. The information shall be provided to the person making the request before a drug is dispensed to the person. A person who makes a request for price information under this subsection shall not be obligated to purchase the drug for which the price or comparative prices are requested.

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

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

NOTICE TO CONSUMERS
ABOUT PRESCRIPTION DRUGS

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

Every pharmacy has the current selling prices of both generic and brand name drugs dispensed by the pharmacy.

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

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

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

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

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

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

(6) The pharmacist shall furnish to the purchaser of a prescription drug at the time the drug is delivered to the purchaser a receipt evidencing the transactions, which contains the following:

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

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

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

(d) The quantity dispensed, if applicable.

(e) The name and address of the pharmacy.

(f) The serial number of the prescription.

(g) The date the prescription was originally dispensed.

(h) The name of the prescriber. **IF THE PRESCRIBER IS A LICENSED HEALTH PROFESSIONAL WHO IS ACTING UNDER A DELEGATION AUTHORIZED UNDER THIS ARTICLE, THE LABEL SHALL INCLUDE THE NAMES OF THE PRESCRIBER AND THE DELEGATING LICENSED DOCTOR OF MEDICINE OR LICENSED DOCTOR OF OSTEOPATHIC MEDICINE AND SURGERY.**

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

(j) The price for which the drug was sold to the purchaser.

(7) Subsection (6)(a), (b), and (c) may be omitted by a pharmacist only if the omission is expressly required by the

prescriber. The pharmacist shall retain a copy of each receipt for 90 days. The inclusion of subsection (6) on the prescription container label is a valid receipt to the purchaser. Including subsection (6) on the written prescription form and retaining the form constitutes retention of a copy of the receipt.

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