

SENATE BILL No. 318

March 3, 2009, Introduced by Senator GLEASON and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 17769.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17769. A PHARMACIST SHALL NOT INTERCHANGE AN
2 ANTIEPILEPTIC DRUG OR FORMULATION OF AN ANTIEPILEPTIC DRUG THAT IS
3 PRESCRIBED FOR THE TREATMENT OF EPILEPSY OR THE TREATMENT OR
4 PREVENTION OF SEIZURES WITHOUT THE PRIOR NOTIFICATION OF AND THE
5 SIGNED INFORMED CONSENT TO THE INTERCHANGE BY THE PRESCRIBING
6 PHYSICIAN AND THE PATIENT OR THE PATIENT'S PARENT, LEGAL GUARDIAN,
7 SPOUSE, OR OTHER LEGAL REPRESENTATIVE. AS USED IN THIS SECTION:

8 (A) "ANTIEPILEPTIC DRUG" MEANS A DRUG OR THERAPEUTIC
9 FORMULATION, GENERIC OR BRAND, PRESCRIBED FOR THE TREATMENT OF
10 EPILEPSY OR THE TREATMENT OR PREVENTION OF SEIZURES.

1 (B) "EPILEPSY" MEANS A NEUROLOGICAL CONDITION CHARACTERIZED BY
2 RECURRENT SEIZURES.

3 (C) "INTERCHANGE" MEANS THE SUBSTITUTION OF 1 VERSION OF AN
4 ANTIEPILEPTIC DRUG FOR THE ANTIEPILEPTIC DRUG ORIGINALLY
5 PRESCRIBED, INCLUDING, BUT NOT LIMITED TO, A GENERIC VERSION FOR
6 THE PRESCRIBED BRAND, A BRAND VERSION FOR THE PRESCRIBED GENERIC, A
7 GENERIC VERSION BY 1 MANUFACTURER FOR THE PRESCRIBED GENERIC BY A
8 DIFFERENT MANUFACTURER, A DIFFERENT FORMULATION OF AN ANTIEPILEPTIC
9 DRUG FOR THE PRESCRIBED ANTIEPILEPTIC DRUG, OR A DIFFERENT
10 ANTIEPILEPTIC THERAPEUTIC DRUG PRODUCT FOR THE PRESCRIBED
11 ANTIEPILEPTIC DRUG.

12 (D) "SEIZURE" MEANS AN ACUTE CLINICAL CHANGE SECONDARY TO A
13 BRIEF DISTURBANCE IN THE ELECTRICAL ACTIVITY OF THE BRAIN.