

HOUSE BILL No. 5326

February 9, 2016, Introduced by Reps. Forlini, Schor, LaVoy, Lucido, Driskell, Glardon and Canfield and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7422, 17708, and 17757 (MCL 333.7422,
333.17708, and 333.17757), section 7422 as added by 2014 PA 313,
section 17708 as amended by 2012 PA 209, and section 17757 as
amended by 2014 PA 525, and by adding section 17744e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7422. A person that complies with section 17744b OR
2 **17744E** is not in violation of this article with regard to the
3 prescribing, dispensing, possessing, or administering an opioid
4 antagonist as authorized in ~~that section.~~ **THOSE SECTIONS.**

5 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the
6 board to direct the training of an intern in an approved pharmacy.

7 (2) "Prescriber" means a licensed dentist, a licensed doctor

1 of medicine, a licensed doctor of osteopathic medicine and surgery,
2 a licensed doctor of podiatric medicine and surgery, a licensed
3 optometrist certified under part 174 to administer and prescribe
4 therapeutic pharmaceutical agents, a licensed veterinarian, or
5 another licensed health professional acting under the delegation
6 and using, recording, or otherwise indicating the name of the
7 delegating licensed doctor of medicine or licensed doctor of
8 osteopathic medicine and surgery.

9 (3) "Prescription" means an order by a prescriber to fill,
10 compound, or dispense a drug or device written and signed; written
11 or created in an electronic format, signed, and transmitted by
12 facsimile; or transmitted electronically or by other means of
13 communication. An order transmitted in other than written or hard-
14 copy form ~~shall~~ **MUST** be electronically recorded, printed, or
15 written and immediately dated by the pharmacist, and that record
16 ~~constitutes~~ **IS** the original prescription. In a health facility or
17 agency licensed under article 17 or other medical institution, an
18 order for a drug or device in the patient's chart ~~constitutes~~ **IS**
19 for the purposes of this definition the original prescription. **FOR**
20 **PURPOSES OF THIS PART, PRESCRIPTION ALSO INCLUDES A STANDING ORDER**
21 **ISSUED BY THE CHIEF MEDICAL EXECUTIVE UNDER SECTION 17744E.** Subject
22 to section 17751(2) and (5), prescription includes, but is not
23 limited to, an order for a drug, not including a controlled
24 substance as defined in section 7104 except under circumstances
25 described in section 17763(e), written and signed; written or
26 created in an electronic format, signed, and transmitted by
27 facsimile; or transmitted electronically or by other means of

1 communication by a physician prescriber or dentist prescriber
2 licensed to practice dentistry, medicine, or osteopathic medicine
3 and surgery in a state other than Michigan.

4 (4) "Prescription drug" means 1 or more of the following:

5 (a) A drug dispensed pursuant to a prescription.

6 (b) A drug bearing the federal legend "CAUTION: federal law
7 prohibits dispensing without prescription" or "Rx only".

8 (c) A drug designated by the board as a drug that may only be
9 dispensed pursuant to a prescription.

10 SEC. 17744E. (1) THE CHIEF MEDICAL EXECUTIVE DESIGNATED UNDER
11 SECTION 2202 MAY ISSUE A STANDING ORDER THAT DOES NOT IDENTIFY A
12 PARTICULAR PATIENT AT THE TIME IT IS ISSUED FOR THE PURPOSE OF A
13 PHARMACIST DISPENSING AN OPIOID ANTAGONIST TO AN INDIVIDUAL UNDER
14 THIS SECTION.

15 (2) NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE CONTRARY,
16 A PHARMACIST MAY DISPENSE AN OPIOID ANTAGONIST TO ANY INDIVIDUAL
17 PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL EXECUTIVE
18 UNDER SUBSECTION (1) AND THE RULES PROMULGATED UNDER THIS SECTION.

19 (3) THE CHIEF MEDICAL EXECUTIVE DESIGNATED UNDER SECTION 2202
20 WHO ISSUES A STANDING ORDER FOR AN OPIOID ANTAGONIST UNDER THIS
21 SECTION OR A PHARMACIST WHO DISPENSES AN OPIOID ANTAGONIST AS
22 AUTHORIZED UNDER THIS SECTION IS NOT LIABLE IN A CIVIL ACTION FOR A
23 PROPERLY STORED AND DISPENSED OPIOID ANTAGONIST THAT WAS A
24 PROXIMATE CAUSE OF INJURY OR DEATH TO AN INDIVIDUAL DUE TO THE
25 ADMINISTRATION OF OR FAILURE TO ADMINISTER THE OPIOID ANTAGONIST.

26 (4) THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL
27 PROMULGATE RULES TO IMPLEMENT THIS SECTION.

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

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

14 (3) The notice required under subsection (2) ~~shall~~**MUST** be in
15 substantially the following form:

16 NOTICE TO CONSUMERS
17 ABOUT PRESCRIPTION DRUGS

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

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

26 Ask your pharmacist if a lower-cost generic drug is available

1 to fill your prescription. A generic drug contains the same
2 medicine as a brand name drug and is a suitable substitute in most
3 instances.

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

7 If you have questions about the drugs that have been
8 prescribed for you, ask your doctor or pharmacist for more
9 information.

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

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

20 (5) The department shall provide a copy of the notice required
21 under subsection (2) to each licensee. The department shall provide
22 additional copies if needed. A person may duplicate or reproduce
23 the notice if the duplication or reproduction is a true copy of the
24 notice as produced by the department, without any additions or
25 deletions.

26 (6) The pharmacist shall furnish to the purchaser of a
27 prescription drug at the time the drug is delivered to the

1 purchaser a receipt evidencing the transactions that contains all
2 of the following:

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

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

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

7 (d) The quantity dispensed, if applicable.

8 (e) The name and address of the pharmacy.

9 (f) The serial number of the prescription **OR A REFERENCE TO**
10 **THE STANDING ORDER ISSUED UNDER SECTION 17744E.**

11 (g) The date the prescription was originally dispensed.

12 (h) The name of the prescriber or, if prescribed under the
13 prescriber's delegatory authority, the name of the delegatee.

14 (i) Except as otherwise authorized under section 5110, 17744a,
15 ~~or~~ 17744b, **OR 17744E**, the name of the patient for whom the drug was
16 prescribed.

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

18 (7) The items required under subsection (6)(a), (b), and (c)
19 may be omitted from a receipt by a pharmacist only if the omission
20 is expressly required by the prescriber. The pharmacist shall
21 retain a copy of each receipt furnished under subsection (6) for 90
22 days. The inclusion of the items required under subsection (6) on
23 the prescription container label is a valid receipt to the
24 purchaser. Including the items required under subsection (6) on the
25 written prescription form and retaining the form constitutes
26 retention of a copy of the receipt.

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

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.