

# HOUSE BILL No. 5510

March 23, 2016, Introduced by Reps. Kosowski and Lucido and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17752 (MCL 333.17752), as amended by 2005 PA  
73.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

1 (a) The patient for whom the prescription was issued, or  
2 another pharmacist acting on behalf of the patient.

3 (b) The authorized prescriber who issued the prescription, or  
4 a licensed health professional who is currently treating the  
5 patient.

6 (c) An agency or agent of government responsible for the  
7 enforcement of laws relating to drugs and devices.

8 (d) A person authorized by a court order.

9 (e) A person engaged in research projects or studies with  
10 protocols approved by the board.

11 **(3) A PHARMACIST WHO DISPENSES A PRESCRIPTION DRUG FOR A**  
12 **PATIENT WHO HAS A MENTAL ILLNESS SHALL NOT DISCLOSE THE FACT THAT**  
13 **THE PATIENT HAS A MENTAL ILLNESS TO ANY PERSON. AS USED IN THIS**  
14 **SUBSECTION, "MENTAL ILLNESS" MEANS THAT TERM AS DEFINED IN SECTION**  
15 **400 OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1400.**

16 **(4) ~~(3)~~**A pharmacist may refill a copy of a prescription from  
17 another pharmacy if the original prescription has remaining  
18 authorized refills, and the copy is issued according to the  
19 following procedure:

20 (a) The pharmacist issuing a written or oral copy of a  
21 prescription shall cancel the original prescription and record the  
22 cancellation. The record of cancellation ~~shall~~**MUST** include the  
23 date the copy was issued, to whom **THE COPY WAS** issued, and the  
24 identification of the pharmacist who issued the copy.

25 (b) The written or oral copy issued ~~shall~~**MUST** be a duplicate  
26 of the original prescription except that it ~~shall~~**MUST** also include  
27 the prescription number, the name of the pharmacy issuing the copy,

1 the date the copy was issued, and the number of authorized refills  
2 remaining available to the patient.

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

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

10 (5) ~~(4)~~ Subsection ~~(3)~~ **(4)** does not apply to pharmacies that  
11 share a real-time, on-line database or other equivalent means of  
12 communication or to pharmacies that transfer prescriptions pursuant  
13 to a written contract for centralized prescription processing  
14 services as provided under section 17753.

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