

HOUSE BILL No. 5229

November 8, 2017, Introduced by Reps. Whiteford and Rendon and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17757 (MCL 333.17757), as amended by 2016 PA
383.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17757. (1) ~~Upon~~ **WHEN A PHARMACIST ENGAGED IN THE BUSINESS**
2 **OF SELLING DRUGS AT RETAIL RECEIVES A PRESCRIPTION, THE PHARMACIST**
3 **MAY, OR, WHEN THE PHARMACIST RECEIVES** a request made in person or
4 by telephone, ~~a~~ **THE** pharmacist ~~engaged in the business of selling~~
5 ~~drugs at retail~~ shall, provide the current selling price of a drug
6 dispensed by that pharmacy or comparative current selling prices of
7 generic and brand name drugs dispensed by that pharmacy. ~~The~~ **IF**
8 information ~~must be~~ **IS** provided to the person making the request
9 **UNDER THIS SUBSECTION, IT MUST BE PROVIDED** before a drug is

1 dispensed. ~~to the person.~~ A person that makes a request for **OR**
2 **RECEIVES** price information under this subsection is not obligated
3 to purchase the drug for which the price or comparative prices are
4 requested **OR RECEIVED. A PHARMACY OR A PHARMACIST DESCRIBED IN THIS**
5 **SUBSECTION SHALL NOT ENTER INTO A CONTRACT THAT PROHIBITS THE**
6 **DISCLOSURE OF THE INFORMATION DESCRIBED IN THIS SUBSECTION.**

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

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

13 NOTICE TO CONSUMERS
14 ABOUT PRESCRIPTION DRUGS

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

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

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

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

4 If you have questions about the drugs that have been
5 prescribed for you, ask your doctor or pharmacist for more
6 information.

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

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

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

22 (6) The pharmacist shall furnish to the purchaser of a
23 prescription drug at the time the drug is delivered to the
24 purchaser a receipt evidencing the transactions that contains all
25 of the following:

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

27 (b) The name of the manufacturer or the supplier of the drug,

1 if the drug does not have a brand name.

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

3 (d) The quantity dispensed, if applicable.

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

5 (f) The serial number of the prescription or a reference to

6 the standing order issued under section 17744e.

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

8 (h) The name of the prescriber or, if prescribed under the

9 prescriber's delegatory authority, the name of the delegatee.

10 (i) Except as otherwise authorized under section 5110, 17744a,

11 17744b, or 17744e, the name of the patient for whom the drug was

12 prescribed.

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

14 (7) The items required under subsection (6)(a), (b), and (c)

15 may be omitted from a receipt by a pharmacist only if the omission

16 is expressly required by the prescriber. The pharmacist shall

17 retain a copy of each receipt furnished under subsection (6) for 90

18 days. The inclusion of the items required under subsection (6) on

19 the prescription container label is a valid receipt to the

20 purchaser. Including the items required under subsection (6) on the

21 written prescription form and retaining the form constitutes

22 retention of a copy of the receipt.

23 (8) The department, in consultation with the board, may

24 promulgate rules to implement this section.

25 Enacting section 1. This amendatory act takes effect 90 days

26 after the date it is enacted into law.