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House Bill 5072 (as passed by the House)  
Sponsor: Representative Ryan Berman  
House Committee: Health Policy  
Senate Committee: Health Policy and Human Services

Date Completed: 12-2-21

### **CONTENT**

**The bill would amend the Public Health Code to specify that the distribution of certain exempt prescription drugs would not be included in calculating the total number of dosage units of all prescription drugs distributed by a pharmacy to a person during any consecutive 12-month period.**

The Code requires a pharmacy to obtain a license as a wholesale distributor under Part 177 (Pharmacy Practice and Drug Control) if the total number of dosage units of all prescription drugs distributed by the pharmacy to a person during any consecutive 12-month period is more than 5.0% of the total number of dosage units of prescription drugs distributed and dispensed by the pharmacy during the same 12-month period.

Under the bill, the 5.0% threshold described above could not include a distribution of a prescription drug that is exempt from the definition of wholesale distribution under 21 USC 353(e)(4). (Under 21 USC 353(e)(4), "wholesale distribution" means the distribution of a drug to a person other than a consumer or patient, or receipt of a drug by a person other than a consumer or patient, subject to certain exemptions.)

MCL 333.17748f

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.