

HOUSE BILL NO. 5407

October 19, 2021, Introduced by Reps. Shannon, Haadsma, Tyrone Carter, Cavanagh, Aiyash and Yaroach 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~~**On receipt of** a request made in person or
2 by telephone, a pharmacist engaged in the business of selling drugs
3 at retail shall provide the current selling price of a drug
4 dispensed by that pharmacy or comparative current selling prices of

1 generic and brand name drugs dispensed by that pharmacy. The
2 information must be provided to the person making the request
3 before a drug is dispensed to the person. A person that makes a
4 request for price information under this subsection is not
5 obligated to purchase the drug for which the price or comparative
6 prices are requested.

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.

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

1 If you have questions about the drugs that have been
2 prescribed for you, ask your doctor or pharmacist for more
3 information.

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

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

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

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

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

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

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

27 (d) The quantity dispensed, if applicable.

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

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

1 the standing order issued under section 17744e.

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

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

5 (i) Except as otherwise authorized under section 5110, 17744a,
6 17744b, or 17744e, the name of the patient for whom the drug was
7 prescribed.

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

9 **(k) The telephone number for each of the following:**

10 **(i) The national helpline from the Substance Abuse and Mental**
11 **Health Services Administration of the United States Department of**
12 **Health and Human Services.**

13 **(ii) A suicide prevention hotline.**

14 **(iii) Alcoholics Anonymous.**

15 **(iv) The poison help hotline from the American Association of**
16 **Poison Control Centers.**

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

27 (8) The department, in consultation with the board, may
28 promulgate rules to implement this section.