

Legislative Analysis



ALLOW PATIENTS TO TAKE UNUSED PORTIONS OF CERTAIN EYE DROPS OR OINTMENTS

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<http://www.house.mi.gov/hfa>

House Bill 4072 as reported from committee

Sponsor: Rep. Samantha Steckloff

Committee: Health Policy

Complete to 5-7-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4072 would amend the Public Health Code to require that the unused portion of eye drops or eye ointment provided by a facility (either a hospital or a freestanding surgical outpatient facility) for an ophthalmic surgical procedure or ophthalmic medical care must be offered to the patient upon their discharge if all of the following apply:

- The facility orders the eye drops or eye ointment for a procedure or care the patient receives on an in-patient basis.
- The eye drops or eye ointment is administered to the patient at the facility.
- The unused portion of the eye drops or eye ointment is required for the patient's continued treatment.

If a pharmacist, rather than a dispensing prescriber, dispenses eye drops or eye ointment offered to a patient as described above, the pharmacist would have to ensure that the eye drops or eye ointment is provided in a container labeled as required for a drug dispensed by a dispensing prescriber.

The prescriber of the facility-provided eye drops or eye ointment would have to counsel the patient on the directions for the patient's use of the eye drops or eye ointment. If a pharmacist dispenses the facility-provided eye drops or eye ointment, any counseling requirement on the pharmacist would be waived.

The above provisions would not apply to a pharmaceutical compounded under section 17748b of the code.¹

Proposed MCL 333.17773, 333.20817, and 333.21539

BACKGROUND:

The bill is identical to House Bill 5616 of the 2023-24 legislative session as that bill was passed by the House of Representatives.

BRIEF DISCUSSION:

According to committee testimony, if patients are given eye drops or eye ointment for use in a health care facility (e.g., a hospital or surgery center), they are currently not allowed to take with them any medication remaining in the container for their continued care at home. Instead,

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-333-17748B>

the medication (which the patient has paid for) is discarded, and the patient must go get (and pay for) a new container of the same prescribed medication from their pharmacy. Often the amount of medication discarded in these circumstances is far greater than the amount that was actually used in the facility. Common types of medication prescribed in these circumstances include antibiotic, anti-inflammatory, and dilation drops used in connection with cataract surgery, and glaucoma drops to reduce eye pressure when needed. Supporters of the bill argue that, in addition to causing unnecessary cost and waste, the requirement to discard this unused medication can also present a threat of harm if the patient then encounters a drug shortage or if they must use the medication on a timed regimen that they cannot comply with because they cannot get a new supply of it quickly enough.

FISCAL IMPACT:

House Bill 4072 would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs (LARA). The bill would allow unused eye drops or eye ointments administered during ophthalmic surgical procedures to be provided to patients and would establish requirements for this practice. This may create potential violations that LARA may investigate and issue disciplinary actions for. To the extent that violations of the new provisions occur, additional fine revenue may be realized and enforcement costs incurred.

POSITIONS:

A representative of the Michigan Society of Eye Physicians and Surgeons testified in support of the bill. (3-19-25)

The following entities indicated support for the bill:

- Michigan Health Purchasers Coalition (3-19-25)
- Michigan State Medical Society (3-19-25)
- Michigan Nurses Association (4-16-25)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.