

HOUSE BILL No. 6161

September 22, 1998, Introduced by Reps. Brater, LaForge, Martinez, Schauer, Ciaramitaro, Anthony, Willard, Basham, DeHart, Bogardus, Parks and Jellema and referred to the Committee on Consumer Protection.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17752. (1) A LICENSEE OR A DISPENSING PRESCRIBER SHALL
2 PRESERVE A prescription ~~—~~ or an equivalent record ~~thereof~~ OF
3 THE PRESCRIPTION approved by the board ~~—, shall be preserved by a~~
4 ~~licensee or dispensing prescriber~~ for not less than 5 years
5 AFTER THE DATE THE PRESCRIPTION IS WRITTEN.
6 (2) A prescription or AN equivalent record OF THE PRESCRIP-
7 TION APPROVED BY THE BOARD on file in a pharmacy is not a public
8 record. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A PHAR-
9 MACIST, PHARMACY EMPLOYEE, OR OTHER PERSON HAVING CUSTODY OF OR
10 ACCESS TO A PRESCRIPTION OR AN EQUIVALENT RECORD OF THE
11 PRESCRIPTION SHALL NOT DISCLOSE THE CONTENTS OF THE PRESCRIPTION

1 TO A MANUFACTURER, A DISTRIBUTOR, OR ANY OTHER PERSON WITHOUT THE
2 WRITTEN, INFORMED CONSENT OF THE PATIENT FOR WHOM THE PRESCRIP-
3 TION WAS ISSUED.

4 (3) A PHARMACIST, PHARMACY EMPLOYEE, OR OTHER person having
5 custody of or access to ~~prescriptions~~ A PRESCRIPTION OR AN
6 EQUIVALENT RECORD OF THE PRESCRIPTION shall not disclose ~~their~~
7 ITS contents or provide ~~copies~~ A COPY OF THE PRESCRIPTION OR
8 EQUIVALENT RECORD TO ANOTHER without the patient's authorization
9 AS DESCRIBED IN SUBSECTION (2), ~~to any person~~ except ~~to~~ AS
10 FOLLOWS:

11 (a) ~~The~~ TO THE patient for whom the prescription was
12 issued, or another pharmacist acting on behalf of the patient.

13 (b) ~~The~~ TO THE authorized prescriber who issued the pre-
14 scription, or TO a licensed health professional who is currently
15 treating the patient.

16 (c) ~~An~~ TO AN agency or agent of government responsible for
17 the enforcement of laws relating to drugs and devices.

18 (d) ~~A~~ TO A person authorized by a court order.

19 (e) ~~A~~ TO A person engaged in research projects or studies
20 with protocols approved by the board.

21 (4) A PHARMACIST OR PHARMACY OR DISPENSING PRESCRIBER WHO
22 VIOLATES THIS SECTION IS SUBJECT TO SECTION 16221(G) AND TO THE
23 CORRESPONDING ADMINISTRATIVE SANCTIONS PRESCRIBED BY SECTION
24 16226.

25 (5) ~~(3)~~ A pharmacist may refill a copy of a prescription
26 from another pharmacy if the original prescription has remaining

1 authorized refills, and the copy is issued according to the
2 following procedure:

3 (a) The pharmacist issuing a written or oral copy of a pre-
4 scription shall cancel the original prescription and record the
5 cancellation. The record of cancellation shall include the date
6 the copy was issued, to whom issued, and the identification of
7 the pharmacist who issued the copy.

8 (b) The written or oral copy issued shall be a duplicate of
9 the original prescription except that it shall also include the
10 prescription number, the name of the pharmacy issuing the copy,
11 the date the copy was issued, and the number of authorized
12 refills remaining available to the patient.

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

17 (d) Except as described in this part, all other copies fur-
18 nished shall be used for ~~information~~ INFORMATIONAL OR REFERENCE
19 purposes only and clearly marked "for informational or reference
20 purposes only".

21 (6) A LICENSEE ENGAGED IN THE BUSINESS OF SELLING DRUGS AT
22 RETAIL SHALL GIVE NOTICE TO THE LICENSEE'S CUSTOMERS OF THE
23 REQUIREMENTS OF SUBSECTIONS (2) AND (3). THE DEPARTMENT SHALL
24 DEVELOP AND DISTRIBUTE A POSTER THAT GIVES PUBLIC NOTICE OF THE
25 REQUIREMENTS OF SUBSECTIONS (2) AND (3), GIVING SPECIAL ATTENTION
26 TO THE PROHIBITION ON DISCLOSING PRESCRIPTION INFORMATION TO A
27 MANUFACTURER, DISTRIBUTOR, OR OTHER PERSON WITHOUT THE PATIENT'S

1 WRITTEN, INFORMED CONSENT. THE DEPARTMENT SHALL CONFORM THE TYPE
2 AND SIZE OF THE NOTICE TO THAT REQUIRED UNDER SECTIONS 17757 AND
3 17757A. THE DEPARTMENT SHALL DISTRIBUTE A COPY OF THE NOTICE TO
4 EACH LICENSEE WHO IS SUBJECT TO THIS SUBSECTION. A LICENSEE MAY
5 DUPLICATE OR REPRODUCE THE NOTICE IF THE DUPLICATION OR REPRODUC-
6 TION IS A TRUE COPY OF THE NOTICE DISTRIBUTED BY THE DEPARTMENT,
7 WITH NO ADDITIONS OR DELETIONS. A LICENSEE WHO IS SUBJECT TO
8 THIS SUBSECTION SHALL CONSPICUOUSLY DISPLAY THE NOTICE DESCRIBED
9 IN THIS SUBSECTION AT EACH COUNTER OVER WHICH PRESCRIPTION DRUGS
10 ARE DISPENSED.