

HOUSE BILL No. 5707

February 16, 2006, Introduced by Reps. Kahn, Hune, Nofs, Gaffney, Vander Veen, Ward, Mortimer, Tobocman, Gleason, Adamini, McDowell, Anderson, David Law, Bieda, Wojno, Brandenburg and Stewart 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 1986 PA
304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17757. (1) Upon a request made in person or by telephone,
2 a pharmacist engaged in the business of selling drugs at retail
3 shall provide the current selling price of a drug dispensed by that
4 pharmacy or comparative current selling prices of generic and brand
5 name drugs dispensed by that pharmacy. The information shall be
6 provided to the person making the request before a drug is
7 dispensed to the person. A person who makes a request for price
8 information under this subsection **OR SUBSECTION (2)** shall not be

1 obligated to purchase the drug for which the price or comparative
2 prices are requested.

3 (2) A PHARMACIST ENGAGED IN THE BUSINESS OF SELLING DRUGS AT
4 RETAIL SHALL COMPILE A DRUG RETAIL PRICE LIST OF THE 150 MOST
5 FREQUENTLY PRESCRIBED DRUGS AS DETERMINED BY THE BOARD. THE BOARD
6 SHALL ANNUALLY REVIEW AND UPDATE THE DRUGS THAT ARE TO BE INCLUDED
7 ON THE DRUG RETAIL PRICE LIST AND MAKE THE CURRENT LIST AVAILABLE,
8 EITHER PRINTED OR ELECTRONICALLY, TO EACH PHARMACIST FREE OF
9 CHARGE. THE PHARMACIST SHALL INCLUDE ON THE DRUG RETAIL PRICE LIST
10 THE NAME OF THE DRUG, INCLUDING THE NAME OF ANY GENERIC DRUG IF
11 AVAILABLE FOR THAT DRUG, AND THE RETAIL PRICE FOR THOSE DRUGS. THE
12 PHARMACIST SHALL UPDATE THE PRICING ON THE DRUG RETAIL PRICE LIST
13 AT LEAST WEEKLY AND MAKE COPIES OF THE LIST AVAILABLE TO THE PUBLIC
14 UPON REQUEST. AS USED IN THIS SUBSECTION, "RETAIL PRICE" MEANS THE
15 ACTUAL CURRENT SELLING PRICE TO BE PAID BY A SELF-PAY OR UNINSURED
16 PURCHASER.

17 (3) ~~-(2)-~~ A pharmacist engaged in the business of selling
18 drugs at retail shall conspicuously display the notice described in
19 subsection ~~-(3)-~~ (4) at each counter over which prescription drugs
20 are dispensed.

21 (4) ~~-(3)-~~ The notice required under subsection ~~-(2)-~~ (3) shall
22 be in substantially the following form:

23 NOTICE TO CONSUMERS

24 ABOUT PRESCRIPTION DRUGS

25 Under Michigan law, you have the right to find out the price
26 of a prescription drug before the pharmacist fills the
27 prescription. You are under no obligation to have the prescription

1 filled here and may use this price information to shop around at
2 other pharmacies. You may request price information in person or by
3 telephone.

4 Every pharmacy has the current selling prices of both generic
5 and brand name drugs dispensed by the pharmacy **AND IS REQUIRED TO**
6 **COMPILE A DRUG RETAIL PRICE LIST OF THE 150 MOST COMMONLY**
7 **PRESCRIBED DRUGS.**

8 Ask your pharmacist if a lower-cost generic drug is available
9 to fill your prescription. A generic drug contains the same
10 medicine as a brand name drug and is a suitable substitute in most
11 instances.

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

15 If you have questions about the drugs which have been
16 prescribed for you, ask your doctor or pharmacist for more
17 information.

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

22 (5) ~~-(4)-~~ The notice required under subsection ~~-(2)-~~ (3) shall
23 also contain the address and phone number of the board and the
24 department. The text of the notice shall be in at least 32-point
25 bold type and shall be printed on paper at least 11 inches by 17
26 inches in size. The notice may be printed on multiple pages.

27 (6) ~~-(5)-~~ A copy of the notice required under subsection ~~-(2)-~~

(3) shall be provided to each licensee by the department.
Additional copies shall be available if needed from the department.
A person may duplicate or reproduce the notice if the duplication
or reproduction is a true copy of the notice as produced by the
department, without any additions or deletions whatsoever. **THE
DEPARTMENT MAY CONTINUE TO DISTRIBUTE COPIES OF THE NOTICE REQUIRED
UNDER SUBSECTION (3) THAT ARE WITHIN ITS POSSESSION ON THE
EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE UNTIL
THE DEPARTMENT'S STOCK IS EXHAUSTED OR UNTIL OCTOBER 1, 2006,
WHICHEVER IS SOONER. BEGINNING OCTOBER 1, 2006, THE DEPARTMENT
SHALL ONLY DISTRIBUTE THE COPIES OF THE NOTICE AS REVISED BY THE
AMENDATORY ACT THAT ADDED THIS SENTENCE.**

(7) ~~—(6)—~~ The pharmacist shall furnish to the purchaser of a
prescription drug at the time the drug is delivered to the
purchaser a receipt evidencing the transactions, which contains the
following:

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

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

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

(d) The quantity dispensed, if applicable.

(e) The name and address of the pharmacy.

(f) The serial number of the prescription.

(g) The date the prescription was originally dispensed.

(h) The name of the prescriber.

(i) The name of patient for whom the drug was prescribed.

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

1 **(8)** ~~—(7)—~~ Subsection ~~—(6)(a)—~~ **(7)(A)**, (b), and (c) may be
2 omitted by a pharmacist only if the omission is expressly required
3 by the prescriber. The pharmacist shall retain a copy of each
4 receipt for 90 days. The inclusion of subsection ~~—(6)—~~ **(7)** on the
5 prescription container label is a valid receipt to the purchaser.
6 Including subsection ~~—(6)—~~ **(7)** on the written prescription form and
7 retaining the form constitutes retention of a copy of the receipt.
8 **(9)** ~~—(8)—~~ The board may promulgate rules to implement this
9 section.