

# HOUSE BILL No. 6261

June 22, 2006, Introduced by Rep. Ward and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17763 (MCL 333.17763), as amended by 2005 PA  
85.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 17763. In addition to the grounds set forth in part 161,  
2 the disciplinary subcommittee may fine, reprimand, or place a  
3 pharmacist licensee on probation, or deny, limit, suspend, or  
4 revoke the license of a pharmacist or order restitution or  
5 community service for a violation or abetting in a violation of  
6 this part or rules promulgated under this part, or for 1 or more of  
7 the following grounds:

8           (a) Permitting the dispensing of prescriptions by an

1 individual who is not a pharmacist, pharmacist intern, or  
2 dispensing prescriber.

3 (b) Permitting the dispensing of prescriptions by a pharmacist  
4 intern, except in the presence and under the personal charge of a  
5 pharmacist.

6 (c) Selling at auction drugs in bulk or in open packages  
7 unless the sale has been approved in accordance with rules of the  
8 board.

9 (d) Promoting a prescription drug to the public in any manner.

10 (e) In addition to the prohibition contained in section  
11 7405(1)(e), dispensing a prescription for a controlled substance as  
12 defined in section 7104 that is written and signed or transmitted  
13 by a physician prescriber in a state other than Michigan, unless  
14 the prescription is issued by a physician prescriber who resides  
15 adjacent to the land border between this state and an adjoining  
16 state or resides in Illinois or Minnesota and who is authorized  
17 under the laws of that state to practice medicine or osteopathic  
18 medicine and surgery and to prescribe controlled substances and  
19 whose practice may extend into this state, but who does not  
20 maintain an office or designate a place to meet patients or receive  
21 calls in this state.

22 **(F) SELLING A PRESCRIPTION DRUG AT A SELLING PRICE, INCLUDING**  
23 **THE DISPENSING FEE, THAT EXCEEDS 100% OF THE ACTUAL ACQUISITION**  
24 **COST OF THE PRESCRIPTION DRUG. AS USED IN THIS SUBDIVISION, "ACTUAL**  
25 **ACQUISITION COST" MEANS THE TRUE COST TO THE DISPENSING PHARMACY**  
26 **FOR THE PRESCRIPTION DRUG LESS ANY CASH DISCOUNTS, VOLUME**  
27 **DISCOUNTS, REBATES, OR OTHER PERFORMANCE ALLOWANCES.**

1           Enacting section 1. This amendatory act applies to all  
2 contracts entered into, renewed, or amended on or after the  
3 effective date of the amendatory act that added subdivision (f).