

ALLOW FILLING OF OUT-OF-STATE PRESCRIPTIONS FOR CONTROLLED SUBSTANCES

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House Bill 4161 (Substitute H-1)
Sponsor: Rep. Richard LeBlanc
Committee: Health Policy

Complete to 6-16-09

A SUMMARY OF HOUSE BILL 4161 AS REPORTED FROM COMMITTEE 6-9-09

The bill would allow pharmacists to fill a prescription for a controlled substance prescribed by any out-of-state physician under the same conditions that they can now fill prescriptions for controlled substances prescribed by physicians in Illinois, Minnesota, and the border areas of adjoining states.

Currently, with some exceptions, pharmacists are prohibited from filling prescriptions for *controlled substances* (e.g., narcotic pain relievers such as Vicodin) written by doctors who are not licensed by the State of Michigan. The Public Health Code was amended in 1997 to allow a pharmacist to dispense a prescription for a controlled substance prescribed by a licensed physician in the border areas of states adjacent to Michigan (Ohio, Indiana, Illinois, and Wisconsin), and again in 2004 to include prescriptions for controlled substances from licensed physicians throughout Illinois and Minnesota.

House Bill 4161 would delete the provisions in the Public Health Code (MCL 333.7405 et al.) that restrict the filling by Michigan pharmacists of out-of-state controlled substances prescriptions to those written by physicians in the border areas of adjoining states, and in all of Illinois, and Minnesota. Instead, a pharmacist would be allowed to fill a controlled substance prescription issued by any physician prescriber licensed under the laws of his or her home state to practice medicine or osteopathic medicine and surgery and to prescribe controlled substances. The provisions would apply to prescriptions written and signed, or transmitted by facsimile, electronic transmission, or other means of communication.

In addition, the bill would revise the definition of "prescription drug." Currently, the term means one or more of the following:

- (a) A drug dispensed pursuant to a prescription.
- (b) A drug bearing the federal legend "CAUTION: federal law prohibits dispensing without prescription."

The bill would revise the federal legend to instead read "CAUTION: federal law prohibits dispensing without prescription" or "RX only."

FISCAL IMPACT:

House Bill 4161 does not have fiscal implications for state or local government.

BACKGROUND INFORMATION:

When the restriction on filling prescriptions for controlled substances (e.g., narcotic pain relievers) from out-of-state physicians was placed into law by Public Act 153 of 1997, it was to prevent any potential diversion problems such as passing off prescriptions from fictional doctors. However, times have changed. Technology has brought more safeguards and tools for pharmacists to use to verify the validity of a prescription. Plus, most states allow pharmacists to fill prescriptions for controlled substances written by pharmacists from any state. Michigan residents who receive care in other states, whether for an urgent medical need or for care at specialty centers (e.g., the Cleveland Clinic or cancer centers), find it difficult to get prescriptions filled or refilled once home again. Often, they must see a Michigan physician and request that physician to write a new prescription. In addition, given that tourism is a major industry in Michigan – attracting tourists from all over the nation – it may make more sense to lift the prohibition so that visitors can refill their prescriptions within the state if needed. Since people tend to make other purchases while waiting for prescriptions to be filled, in-state pharmacies could make more sales, and more sales tax revenue could be generated for the state. Lastly, Michigan-based central fill and mail order pharmacies could expand their businesses into other states if the law were changed.

POSITIONS:

The Department of Community Health indicated support for the bill. (6-9-09)

The Michigan Pharmacists Association indicated support for the bill. (6-9-09)

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