

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4352

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17757 (MCL 333.17757), as amended by 2021 PA
36, and by adding section 17757b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17757. (1) ~~On receipt of~~ **When a pharmacist engaged in the**
2 **business of selling drugs receives a prescription, the pharmacist**
3 **may, or, when the pharmacist receives** a request made in person or
4 by telephone, ~~a-the pharmacist engaged in the business of selling~~
5 ~~drugs at retail~~ shall provide the current selling price of a drug
6 dispensed by that pharmacy or comparative current selling prices of
7 generic and brand name drugs **or biosimilar drug products** dispensed
8 by that pharmacy. ~~The~~ **If** information ~~must be~~ **is** provided ~~to the~~

1 ~~person making the request~~ **under this subsection, it must be**
2 **provided** before a drug is dispensed. ~~to the person.~~ A person that
3 makes a request for **or receives** price information under this
4 subsection is not obligated to purchase the drug for which the
5 price or comparative prices are requested **or received. A pharmacy**
6 **or a pharmacist described in this subsection shall not enter into a**
7 **contract that prohibits the disclosure of the information described**
8 **in this subsection.**

9 (2) A pharmacist engaged in the business of selling drugs ~~at~~
10 ~~retail~~ shall conspicuously display the notice described in
11 subsection (3) at each counter over which prescription drugs are
12 dispensed.

13 (3) The notice required under subsection (2) must be in
14 substantially the following form:

15 NOTICE TO CONSUMERS

16 ABOUT PRESCRIPTION DRUGS

17 Under Michigan law, you have the right to find out the price
18 of a prescription drug before the pharmacist fills the
19 prescription. You are under no obligation to have the prescription
20 filled here and may use this price information to shop around at
21 other pharmacies. You may request price information in person or by
22 telephone.

23 Every pharmacy has the current selling prices of both generic
24 and brand name drugs dispensed by the pharmacy.

25 Ask your pharmacist if a lower-cost generic drug is available
26 to fill your prescription. A generic drug contains the same
27 medicine as a brand name drug and is a suitable substitute in most
28 instances.

29 A generic drug may not be dispensed by your pharmacist if your

1 doctor has written "dispense as written" or the initials "d.a.w."
2 on the prescription.

3 If you have questions about the drugs that have been
4 prescribed for you, ask your doctor or pharmacist for more
5 information.

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

10 (4) The notice required under subsection (2) must also contain
11 the address and phone number of the board and the department. The
12 text of the notice must be in at least 32-point bold type and ~~must~~
13 be printed on paper at least 11 inches by 17 inches in size. The
14 notice may be printed on multiple pages.

15 (5) The department shall provide a copy of the notice required
16 under subsection (2) to each licensee. The department shall provide
17 additional copies if needed. A person may duplicate or reproduce
18 the notice if the duplication or reproduction is a true copy of the
19 notice as produced by the department, without any additions or
20 deletions.

21 (6) The pharmacist shall furnish to the purchaser of a
22 prescription drug at the time the drug is delivered to the
23 purchaser a receipt evidencing the transactions that contains all
24 of the following:

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

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

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

29 (d) The quantity dispensed, if applicable.

1 (e) The name and address of the pharmacy.

2 (f) The serial number of the prescription, a reference to the
3 standing order issued under section 17744e, or, if the prescription
4 drug is dispensed pursuant to section 17744f, a reference to
5 section 17744f.

6 (g) The date the prescription was originally dispensed.

7 (h) The name of the prescriber or, if prescribed under the
8 prescriber's delegatory authority, the name of the delegatee. If
9 the prescription drug is dispensed pursuant to section 17744f, the
10 name of the original prescriber and the pharmacist dispensing the
11 prescription drug.

12 (i) Except as otherwise authorized under section 5110, 17744a,
13 17744b, or 17744e, the name of the patient for whom the drug was
14 prescribed or dispensed.

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

16 (7) The items required under subsection (6)(a), (b), and (c)
17 may be omitted from a receipt by a pharmacist only if the omission
18 is expressly required by the prescriber. The pharmacist shall
19 retain a copy of each receipt furnished under subsection (6) for 90
20 days. The inclusion of the items required under subsection (6) on
21 the prescription container label is a valid receipt to the
22 purchaser. Including the items required under subsection (6) on the
23 written prescription form and retaining the form constitutes
24 retention of a copy of the receipt.

25 (8) The department, in consultation with the board, may
26 promulgate rules to implement this section.

27 **Sec. 17757b. (1) A pharmacy or pharmacist engaged in the**
28 **business of selling drugs shall not enter into a contract with a**
29 **pharmacy benefit manager that violates section 26 of the third**

1 party administrator act, 1984 PA 218, MCL 550.926, or that prevents
2 or interferes with in any manner a patient's choice to receive an
3 eligible prescription drug from a 340b entity or a pharmacy when
4 dispensing a 340b drug.

5 (2) As used in this section:

6 (a) "340b drug" means a covered drug as that term is defined
7 in 42 USC 256b.

8 (b) "340b entity" means a covered entity as that term is
9 defined in 42 USC 256b.

10 (c) "Pharmacy benefit manager" means that term as defined in
11 section 2 of the third party administrator act, 1984 PA 218, MCL
12 550.902.

13 Enacting section 1. This amendatory act does not take effect
14 unless House Bill No. 4351 of the 101st Legislature is enacted into
15 law.