HOUSE BILL NO. 4352

February 24, 2021, Introduced by Reps. Allor, Brann, Rendon, Whiteford, Borton, Glenn, Farrington, Bellino, Yaroch, Wozniak, O'Malley and Calley 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 2016 PA 383, and by adding section 17757b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 17757. (1) ~~Upon~~ **When a pharmacist engaged in the business of selling drugs receives a prescription, the pharmacist may, or, when the pharmacist receives** a request made in person or by telephone, ~~a~~ **the** pharmacist ~~engaged in the business of selling drugs at retail~~ shall provide the current selling price of a drug dispensed by that pharmacy or comparative current selling prices of generic and brand name drugs **or biosimilar drug products** dispensed by that pharmacy. ~~The~~ **If** information ~~must be~~ **is** provided ~~to the person making the request~~ **under this subsection, it must be provided** before a drug is dispensed. ~~to the person.~~ A person that makes a request for **or receives** price information under this subsection is not obligated to purchase the drug for which the price or comparative prices are requested **or received. A pharmacy or a pharmacist described in this subsection shall not enter into a contract that prohibits the disclosure of the information described in this subsection.**

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

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

NOTICE TO CONSUMERS

ABOUT PRESCRIPTION DRUGS

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

telephone.

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

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

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

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

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

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

(5) The department shall provide a copy of the notice required under subsection (2) to each licensee. The department shall provide additional copies if needed. 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.

(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 that contains all of 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 or a reference to the standing order issued under section 17744e.

(g) The date the prescription was originally dispensed.

(h) The name of the prescriber or, if prescribed under the prescriber's delegatory authority, the name of the delegatee.

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

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

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

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

Sec. 17757b. (1) A pharmacy or pharmacist engaged in the business of selling drugs shall not enter into a contract with a pharmacy benefit manager that violates section 26 of the third party administrator act, 1984 PA 218, MCL 550.926, or that prevents or interferes with in any manner a patient's choice to receive an eligible prescription drug from a 340b entity or a pharmacy when dispensing a 340b drug.

(2) As used in this section:

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

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

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

Enacting section 1. This amendatory act does not take effect unless Senate Bill No.____ or House Bill No. 4351 (request no. 00166'21) of the 101st Legislature is enacted into law.