

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:

1 Sec. 17757. (1) ~~Upon~~ **When a pharmacist engaged in the business**
2 **of selling drugs receives a prescription, the pharmacist may, or,**
3 **when the pharmacist receives** a request made in person or by
4 telephone, ~~a the pharmacist engaged in the business of selling~~

1 ~~drugs at retail~~ shall provide the current selling price of a drug
2 dispensed by that pharmacy or comparative current selling prices of
3 generic and brand name drugs **or biosimilar drug products** dispensed
4 by that pharmacy. ~~The~~ **If** information ~~must be~~ **is** provided ~~to the~~
5 ~~person making the request~~ **under this subsection, it must be**
6 **provided** before a drug is dispensed. ~~to the person.~~ A person that
7 makes a request for **or receives** price information under this
8 subsection is not obligated to purchase the drug for which the
9 price or comparative prices are requested **or received. A pharmacy**
10 **or a pharmacist described in this subsection shall not enter into a**
11 **contract that prohibits the disclosure of the information described**
12 **in this subsection.**

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

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

19 NOTICE TO CONSUMERS

20 ABOUT PRESCRIPTION DRUGS

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

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

29 Ask your pharmacist if a lower-cost generic drug is available

1 to fill your prescription. A generic drug contains the same
2 medicine as a brand name drug and is a suitable substitute in most
3 instances.

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

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

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

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

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

25 (6) The pharmacist shall furnish to the purchaser of a
26 prescription drug at the time the drug is delivered to the
27 purchaser a receipt evidencing the transactions that contains all
28 of the following:

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

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

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

4 (d) The quantity dispensed, if applicable.

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

6 (f) The serial number of the prescription or a reference to
7 the standing order issued under section 17744e.

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

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

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

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

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

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

26 **Sec. 17757b. (1) A pharmacy or pharmacist engaged in the**
27 **business of selling drugs shall not enter into a contract with a**
28 **pharmacy benefit manager that violates section 26 of the third**
29 **party administrator act, 1984 PA 218, MCL 550.926, or that prevents**

1 or interferes with in any manner a patient's choice to receive an
2 eligible prescription drug from a 340b entity or a pharmacy when
3 dispensing a 340b drug.

4 (2) As used in this section:

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

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

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

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 4351 (request no.
14 00166'21) of the 101st Legislature is enacted into law.