

SUBSTITUTE FOR
HOUSE BILL NO. 4559

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 9721.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9721. (1) THE DEPARTMENT OF ATTORNEY GENERAL
2 SHALL CREATE AND OPERATE A PRESCRIPTION DRUG WEBSITE TO EDUCATE
3 CONSUMERS ABOUT THE PRICE OF PRESCRIPTION DRUGS AND TO PROVIDE
4 LINKS TO OTHER HELPFUL WEBSITES INCLUDING, BUT NOT LIMITED TO,
5 THOSE WEBSITES THAT MAY ASSIST AND EDUCATE CONSUMERS ON THE
6 AVAILABILITY OF PUBLIC AND PRIVATE PROGRAMS THAT OFFER ACCESS TO
7 DISCOUNTED OR FREE PRESCRIPTION DRUGS IN COMPLIANCE WITH FEDERAL
8 AND STATE RULES AND REGULATIONS.

9 (2) THE DEPARTMENT OF ATTORNEY GENERAL, IN CONSULTATION WITH

1 THE DEPARTMENT, SHALL INCLUDE ALL OF THE FOLLOWING ON THE
2 PRESCRIPTION DRUG WEBSITE:

3 (A) A LIST OF THE 25 MOST COMMONLY PRESCRIBED MEDICATIONS AS
4 REPORTED BY THIS STATE'S MEDICAL ASSISTANCE PROGRAM.

5 (B) THE USUAL AND CUSTOMARY PRICE OF THE 25 MOST COMMONLY
6 PRESCRIBED MEDICATIONS IDENTIFIED UNDER SUBDIVISION (A).

7 (C) A MINIMUM OF 5 LINKS TO OTHER WEBSITES AS DESCRIBED IN
8 SUBSECTION (1).

9 (D) THE DEPARTMENT'S TOLL-FREE TELEPHONE NUMBER CREATED UNDER
10 SECTION 9723.

11 (3) THE DEPARTMENT OF ATTORNEY GENERAL HAS THE SOLE DISCRETION
12 OF AUTHORITY TO DETERMINE WHICH INFORMATION SHALL BE MADE AVAILABLE
13 TO THE PUBLIC THROUGH THE PRESCRIPTION DRUG WEBSITE CREATED
14 PURSUANT TO THIS SECTION.

15 (4) AT LEAST ONCE A MONTH, THE DEPARTMENT SHALL OBTAIN FROM
16 THE PERSON THAT THE DEPARTMENT HAS CONTRACTED TO SERVE AS ITS
17 PHARMACY BENEFITS MANAGER FOR THIS STATE'S MEDICAL ASSISTANCE
18 PROGRAM THE USUAL AND CUSTOMARY DRUG PRICE AS REPORTED FOR THE 25
19 MOST COMMONLY PRESCRIBED DRUGS IDENTIFIED PURSUANT TO SUBSECTION
20 (2)(A) TO THAT PHARMACY BENEFITS MANAGER BY EACH PHARMACY THAT
21 FILLS OR REFILLS A PRESCRIPTION UNDER THIS STATE'S MEDICAL
22 ASSISTANCE PROGRAM. THE DEPARTMENT SHALL PROVIDE THE DEPARTMENT OF
23 ATTORNEY GENERAL WITH A COPY, WRITTEN OR ELECTRONIC, OF THIS
24 INFORMATION. FROM THE INFORMATION OBTAINED UNDER THIS SUBSECTION,
25 THE DEPARTMENT OF ATTORNEY GENERAL SHALL ONLY INCLUDE ON ITS
26 WEBSITE THE USUAL AND CUSTOMARY PRICE OF THE 25 MOST COMMONLY
27 PRESCRIBED DRUGS FROM ALL PHARMACIES THAT HAVE FILLED OR REFILLED A

1 PRESCRIPTION UNDER THIS STATE'S MEDICAL ASSISTANCE PROGRAM.

2 (5) SUBSECTION (4) DOES NOT REQUIRE A PHARMACY THAT FILLS OR
3 REFILLS A PRESCRIPTION UNDER THIS STATE'S MEDICAL ASSISTANCE
4 PROGRAM TO PROVIDE ANY ADDITIONAL INFORMATION THAN THAT CURRENTLY
5 BEING REPORTED BY THE PHARMACY TO THE PERSON THAT THE DEPARTMENT
6 HAS CONTRACTED TO SERVE AS ITS PHARMACY BENEFITS MANAGER FOR THIS
7 STATE'S MEDICAL ASSISTANCE PROGRAM.

8 (6) AS USED IN THIS SECTION, "USUAL AND CUSTOMARY PRICE" MEANS
9 THAT PRICE THAT IS COMPARABLE TO WHAT A PHARMACY WOULD CHARGE A
10 CASH-PAYING CUSTOMER WITHOUT INSURANCE. USUAL AND CUSTOMARY PRICE
11 DOES NOT INCLUDE DISCOUNTS, SPECIAL PROMOTIONS, OR OTHER PROGRAMS
12 INITIATED TO REDUCE PRICES FOR PRODUCT COSTS AVAILABLE TO THE
13 GENERAL PUBLIC OR TO A SPECIAL POPULATION.

14 Enacting section 1. This amendatory act does not take effect
15 unless House Bill No. 4037 of the 93rd Legislature is enacted into
16 law.