

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4434

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17752 (MCL 333.17752).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17752. (1) A prescription, or an equivalent record
2 ~~thereof~~ **OF THE PRESCRIPTION** approved by the board, shall be
3 preserved by a licensee or dispensing prescriber for not less than
4 5 years.

5 (2) A prescription or equivalent record on file in a pharmacy
6 is not a public record. A person having custody of or access to
7 prescriptions shall not disclose their contents or provide copies

1 without the patient's authorization, to any person except to **ANY OF**
2 **THE FOLLOWING:**

3 (a) The patient for whom the prescription was issued, or
4 another pharmacist acting on behalf of the patient.

5 (b) The authorized prescriber who issued the prescription, or
6 a licensed health professional who is currently treating the
7 patient.

8 (c) An agency or agent of government responsible for the
9 enforcement of laws relating to drugs and devices.

10 (d) A person authorized by a court order.

11 (e) A person engaged in research projects or studies with
12 protocols approved by the board.

13 (3) A pharmacist may refill a copy of a prescription from
14 another pharmacy if the original prescription has remaining
15 authorized refills, and the copy is issued according to the
16 following procedure:

17 (a) The pharmacist issuing a written or oral copy of a
18 prescription shall cancel the original prescription and record the
19 cancellation. The record of cancellation shall include the date the
20 copy was issued, to whom issued, and the identification of the
21 pharmacist who issued the copy.

22 (b) The written or oral copy issued shall be a duplicate of
23 the original prescription except that it shall also include the
24 prescription number, the name of the pharmacy issuing the copy, the
25 date the copy was issued, and the number of authorized refills
26 remaining available to the patient.

27 (c) The pharmacist receiving a written or oral copy of the

1 prescription shall exercise reasonable diligence to determine
2 whether it is a valid copy, and having done so may treat the copy
3 as an original prescription.

4 (d) Except as described in this part, all other copies
5 furnished shall be used for information purposes only and clearly
6 marked "for informational or reference purposes only".

7 **(4) SUBSECTION (3) DOES NOT APPLY TO PHARMACIES THAT SHARE A**
8 **REAL-TIME, ON-LINE DATABASE OR OTHER EQUIVALENT MEANS OF**
9 **COMMUNICATION OR TO PHARMACIES THAT TRANSFER PRESCRIPTIONS PURSUANT**
10 **TO A WRITTEN CONTRACT FOR CENTRALIZED PRESCRIPTION PROCESSING**
11 **SERVICES AS PROVIDED UNDER SECTION 17753.**

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. 352 of the 93rd Legislature is enacted into
14 law.