

HOUSE BILL No. 6281

June 29, 2006, Introduced by Reps. Bieda, Condino and Gleason 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 1986 PA 304.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17757. (1) Upon a request made in person or by telephone,
2 a pharmacist engaged in the business of selling drugs at retail
3 shall provide the current selling price of a drug dispensed by that
4 pharmacy or comparative current selling prices of generic and brand
5 name drugs dispensed by that pharmacy. The information shall be
6 provided to the person making the request before a drug is
7 dispensed to the person. A person who makes a request for price
8 information under this subsection **OR SUBSECTION (2)** shall not be
9 obligated to purchase the drug for which the price or comparative

1 prices are requested.

2 (2) A PHARMACIST ENGAGED IN THE BUSINESS OF SELLING DRUGS AT
3 RETAIL SHALL COMPILE A DRUG RETAIL PRICE LIST OF THE 150 MOST
4 FREQUENTLY PRESCRIBED DRUGS AS DETERMINED BY THE BOARD. THE BOARD
5 SHALL ANNUALLY REVIEW AND UPDATE THE DRUGS THAT ARE TO BE INCLUDED
6 ON THE DRUG RETAIL PRICE LIST AND MAKE THE CURRENT LIST AVAILABLE,
7 EITHER PRINTED OR ELECTRONICALLY, TO EACH PHARMACIST FREE OF
8 CHARGE. THE PHARMACIST SHALL INCLUDE ON THE DRUG RETAIL PRICE LIST
9 THE NAME OF THE DRUG, INCLUDING THE NAME OF ANY GENERIC DRUG IF
10 AVAILABLE FOR THAT DRUG, AND THE RETAIL PRICE FOR THOSE DRUGS. THE
11 PHARMACIST SHALL UPDATE THE PRICING ON THE DRUG RETAIL PRICE LIST
12 AT LEAST WEEKLY AND MAKE COPIES OF THE LIST AVAILABLE TO THE BOARD
13 AND TO THE PUBLIC UPON REQUEST. AS USED IN THIS SUBSECTION, "RETAIL
14 PRICE" MEANS THE ACTUAL CURRENT SELLING PRICE TO BE PAID BY A SELF-
15 PAY OR UNINSURED PURCHASER.

16 (3) ~~(2)~~ A pharmacist engaged in the business of selling
17 drugs at retail shall conspicuously display the notice described in
18 subsection ~~(3)~~ (4) at each counter over which prescription drugs
19 are dispensed.

20 (4) ~~(3)~~ The notice required under subsection ~~(2)~~ (3) shall
21 be in substantially the following form:

22 NOTICE TO CONSUMERS

23 ABOUT PRESCRIPTION DRUGS

24 Under Michigan law, you have the right to find out the price
25 of a prescription drug before the pharmacist fills the
26 prescription. You are under no obligation to have the prescription
27 filled here and may use this price information to shop around at

1 other pharmacies. You may request price information in person or by
2 telephone.

3 Every pharmacy has the current selling prices of both generic
4 and brand name drugs dispensed by the pharmacy **AND IS REQUIRED TO**
5 **COMPILE A DRUG RETAIL PRICE LIST OF THE 150 MOST COMMONLY**
6 **PRESCRIBED DRUGS.**

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

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

14 If you have questions about the drugs which have been
15 prescribed for you, ask your doctor or pharmacist for more
16 information.

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

21 (5) ~~-(4)-~~ The notice required under subsection ~~-(2)-~~ (3) shall
22 also contain the address and phone number of the board and the
23 department. The text of the notice shall be in at least 32-point
24 bold type and shall be printed on paper at least 11 inches by 17
25 inches in size. The notice may be printed on multiple pages.

26 (6) ~~-(5)-~~ A copy of the notice required under subsection ~~-(2)-~~
27 (3) shall be provided to each licensee by the department.

1 Additional copies shall be available if needed from the department.
2 A person may duplicate or reproduce the notice if the duplication
3 or reproduction is a true copy of the notice as produced by the
4 department, without any additions or deletions whatsoever. **THE**
5 **DEPARTMENT MAY CONTINUE TO DISTRIBUTE COPIES OF THE NOTICE REQUIRED**
6 **UNDER SUBSECTION (3) THAT ARE WITHIN ITS POSSESSION ON THE**
7 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE UNTIL**
8 **THE DEPARTMENT'S STOCK IS EXHAUSTED OR UNTIL OCTOBER 1, 2006,**
9 **WHICHEVER IS SOONER. BEGINNING OCTOBER 1, 2006, THE DEPARTMENT**
10 **SHALL ONLY DISTRIBUTE THE COPIES OF THE NOTICE AS REVISED BY THE**
11 **AMENDATORY ACT THAT ADDED THIS SENTENCE.**

12 (7) ~~-(6)-~~ The pharmacist shall furnish to the purchaser of a
13 prescription drug at the time the drug is delivered to the
14 purchaser a receipt evidencing the transactions, which contains the
15 following:

- 16 (a) The brand name of the drug, if applicable.
17 (b) The name of the manufacturer or the supplier of the drug,
18 if the drug does not have a brand name.
19 (c) The strength of the drug, if significant.
20 (d) The quantity dispensed, if applicable.
21 (e) The name and address of the pharmacy.
22 (f) The serial number of the prescription.
23 (g) The date the prescription was originally dispensed.
24 (h) The name of the prescriber.
25 (i) The name of patient for whom the drug was prescribed.
26 (j) The price for which the drug was sold to the purchaser.
27 (8) ~~-(7)-~~ Subsection ~~-(6)-(a)-~~ **(7)(A)**, (b), and (c) may be

1 omitted by a pharmacist only if the omission is expressly required
2 by the prescriber. The pharmacist shall retain a copy of each
3 receipt for 90 days. The inclusion of subsection ~~-(6)-~~ (7) on the
4 prescription container label is a valid receipt to the purchaser.
5 Including subsection ~~-(6)-~~ (7) on the written prescription form and
6 retaining the form constitutes retention of a copy of the receipt.

7 (9) ~~-(8)-~~ The board may promulgate rules to implement this
8 section. **THE BOARD SHALL PROVIDE THE DEPARTMENT WITH COPIES OF THE**
9 **DRUG RETAIL PRICE LISTS RECEIVED, AND THE DEPARTMENT SHALL MAKE**
10 **THOSE LISTS AVAILABLE TO THE PUBLIC THROUGH THE DEPARTMENT'S**
11 **WEBSITE.**