

# HOUSE BILL No. 4910

May 12, 2009, Introduced by Reps. Mayes, Moore, Stamas and Ball and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 17776.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 17776. (1) A PHARMACY OR CHARITABLE CLINIC THAT MEETS THE  
2 ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE PALMS ESTABLISHED  
3 BY SECTION 17775 AND ANY RULES PROMULGATED UNDER SECTION 17777 MAY  
4 DO ANY OF THE FOLLOWING:

5           (A) DISPENSE PRESCRIPTION DRUGS DONATED UNDER THE PALMS TO  
6 ELIGIBLE PARTICIPANTS.

7           (B) IF ESTABLISHED BY RULE UNDER SECTION 17777, CHARGE  
8 ELIGIBLE PARTICIPANTS WHO RECEIVE DONATED UNUSED PRESCRIPTION DRUGS  
9 A HANDLING FEE FOR THE SERVICE.

10           (2) A PHARMACY OR CHARITABLE CLINIC THAT MEETS THE ELIGIBILITY

1 REQUIREMENTS FOR PARTICIPATION IN THE PALMS ESTABLISHED BY SECTION  
2 17775 AND ANY RULES PROMULGATED UNDER SECTION 17777 AND THAT  
3 ACCEPTS DONATED UNUSED PRESCRIPTION DRUGS FOR THE PALMS SHALL DO  
4 ALL OF THE FOLLOWING:

5 (A) COMPLY WITH ALL APPLICABLE FEDERAL LAWS AND REGULATIONS  
6 AND STATE LAWS AND RULES RELATED TO THE STORAGE AND DISTRIBUTION OF  
7 HARMFUL DRUGS.

8 (B) INSPECT ALL DONATED UNUSED PRESCRIPTION DRUGS BEFORE  
9 DISPENSING THE PRESCRIPTION DRUGS TO DETERMINE THAT SUCH DRUGS ARE  
10 NOT ADULTERATED.

11 (C) DISPENSE PRESCRIPTION DRUGS ONLY PURSUANT TO A  
12 PRESCRIPTION ISSUED BY A HEALTH PROFESSIONAL.

13 (D) DESTROY AND DISPOSE OF PRESCRIPTION DRUGS AND OTHER  
14 MEDICATIONS THAT ARE DONATED AND THAT ARE INELIGIBLE FOR  
15 DISTRIBUTION UNDER THE PALMS SUBJECT TO RULES PROMULGATED UNDER  
16 SECTION 17777.

17 (3) UNUSED PRESCRIPTION DRUGS DONATED UNDER THE PALMS SHALL  
18 NOT BE RESOLD. REIMBURSEMENT FROM A GOVERNMENTAL AGENCY TO A  
19 CHARITABLE CLINIC DOES NOT CONSTITUTE RESALE OF PRESCRIPTION DRUGS  
20 UNDER THIS SUBSECTION.

21 (4) FOR PURPOSES OF THE LAWFUL DONATION, ACCEPTANCE, OR  
22 DISPENSING OF PRESCRIPTION DRUGS UNDER THE PALMS, THE FOLLOWING  
23 PERSONS THAT ARE IN COMPLIANCE WITH THE PALMS, THIS SECTION AND  
24 SECTIONS 17775 AND 17777, AND ANY RULES PROMULGATED UNDER SECTION  
25 17777 AND IN THE ABSENCE OF BAD FAITH OR GROSS NEGLIGENCE ARE NOT  
26 SUBJECT TO CRIMINAL OR CIVIL LIABILITY FOR INJURY OTHER THAN DEATH,  
27 OR LOSS TO PERSON OR PROPERTY, OR PROFESSIONAL DISCIPLINARY ACTION:

1 (A) THE BOARD.

2 (B) THE DEPARTMENT.

3 (C) AN INDIVIDUAL, HEALTH FACILITY OR AGENCY, ADULT FOSTER  
4 CARE FACILITY, ASSISTED LIVING FACILITY, OR MANUFACTURER THAT  
5 DONATES PRESCRIPTION DRUGS TO THE PALMS.

6 (D) A PHARMACY, CHARITABLE CLINIC, OR HEALTH PROFESSIONAL THAT  
7 ACCEPTS OR DISPENSES PRESCRIPTION DRUGS FOR THE PALMS.

8 (E) A PHARMACY OR CHARITABLE CLINIC THAT EMPLOYS A HEALTH  
9 PROFESSIONAL WHO ACCEPTS UNUSED PRESCRIPTION DRUGS FOR THE PALMS  
10 AND WHO MAY LEGALLY DISPENSE PRESCRIPTION DRUGS UNDER THIS PART.

11 (5) FOR PURPOSES OF THE LAWFUL DONATION, ACCEPTANCE, OR  
12 DISPENSING OF A PRESCRIPTION DRUG MANUFACTURED BY THE MANUFACTURER  
13 THAT IS DONATED BY ANY ENTITY UNDER THE PALMS, A MANUFACTURER IS  
14 NOT, IN THE ABSENCE OF BAD FAITH OR GROSS NEGLIGENCE, SUBJECT TO  
15 CRIMINAL OR CIVIL LIABILITY FOR INJURY OTHER THAN FOR DEATH, OR  
16 LOSS TO PERSON OR PROPERTY, INCLUDING, BUT NOT LIMITED TO,  
17 LIABILITY FOR FAILURE TO TRANSFER OR COMMUNICATE PRODUCT OR  
18 CONSUMER INFORMATION OR FOR FAILURE TO TRANSFER OR COMMUNICATE THE  
19 EXPIRATION DATE OF THE DONATED PRESCRIPTION DRUG.

20 Enacting section 1. This amendatory act does not take effect  
21 unless all of the following bills of the 95th Legislature are  
22 enacted into law:

23 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4911 (request no.  
24 01385'09 \*\*).

25 (b) Senate Bill No. 565 or House Bill No. \_\_\_\_ (request no.  
26 02448'09 \*).