

# Legislative Analysis



## PHARMACIST MAY DISPENSE ADDITIONAL QUANTITIES OF A PRESCRIPTION DRUG

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<http://www.house.mi.gov/hfa>

**Senate Bill 360 (S-1) as reported from House committee**  
**Sponsor: Sen. Margaret O'Brien**  
**House Committee: Health Policy**  
**Senate Committee: Health Policy**  
**Complete to 10-9-17**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 165 of 2017)*

### **BRIEF SUMMARY:**

Senate Bill 360 would amend Part 177 of the Public Health Code, which pertains to pharmacy practice and drug control. It would allow pharmacists to use their professional judgment in deciding whether to fill additional refills for a 30-day prescription at the time they are filling the initial prescription. The bill would take effect 90 days after enactment.

### **FISCAL IMPACT:**

Senate Bill 360 would have no fiscal impact on any units of state or local government.

### **THE APPARENT PROBLEM:**

According to testimony submitted to the committee, this legislation is intended to ease the process for obtaining extended supplies of maintenance medications, or medications taken for chronic, long-term conditions like high blood pressure, high cholesterol, and diabetes. Currently, when a patient presents a 30-day prescription for these medications, a pharmacist must call to get approval from the prescribing physician. Often, approval is not given the same day, necessitating a return trip for the patient to pick up the prescription in excess of the 30-day supply. In addition, this also may require additional copays from the patient, depending on insurance coverage. Instead, the bill would allow pharmacists to exercise their professional judgment in deciding whether to fill additional refills on an approved and prescribed 30-day prescription.

### **THE CONTENT OF THE BILL:**

Generally, a pharmacist may only dispense a drug or device to a patient in the quantity ordered by the prescriber on the patient's prescription. If the prescription does not contain the quantity ordered, the pharmacist must consult with the prescriber to determine an agreed-upon quantity, record that quantity on the prescription, and maintain that documentation as provided under the Code.

The bill would allow a pharmacist to dispense, at one time, additional quantities of a prescription drug up to the number of dosage units authorized by the prescriber on the original prescription and any refills of the prescription. This would be allowed if, after

consulting with the patient, the pharmacist determines in his or her professional judgement that it is appropriate.

However, this provision does not apply in the case of a prescription for a controlled substance, except for those controlled substances in Schedule 5 that do not contain an opioid. (Schedule 5 controlled substances are listed in Section 7220 of the Public Health Code, MCL 333.7220)

MCL 333.17751

***HOUSE COMMITTEE ACTION:***

The members of the House Health Policy committee reported out the Senate-passed version of Senate Bill 360 without amendment.

***POSITIONS:***

The following organizations support the bill:

- Michigan Department of Licensing and Regulatory Affairs (9-27-17)
- Michigan Retailers Association (9-20-17)
- Walgreens (9-20-17)
- Pfizer (9-20-17)
- Michigan Health and Hospital Association (9-20-17)
- Michigan Association of Treatment Court Professionals (9-27-17)
- Michigan Pharmacists Association (9-27-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.