

HOUSE BILL No. 4976

July 16, 2003, Introduced by Reps. Accavitti, Vagnozzi, Bieda, Paletko, Brandenburg,
Tobocman, Dennis, Condino and Murphy and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17755 (MCL 333.17755).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17755. (1) When a pharmacist receives a prescription
2 for a brand name drug product ~~—, the pharmacist may, or when a~~
3 ~~purchaser requests—~~ **and** a lower cost generically equivalent drug
4 product **is available**, the pharmacist shall dispense ~~—a—~~ **the** lower
5 cost ~~—but not higher cost—~~ generically equivalent drug product,
6 ~~—if available in the pharmacy,—~~ except as provided in subsection
7 (3). If a drug is dispensed which is not the prescribed brand,
8 the purchaser shall be notified and the prescription label shall
9 indicate both the name of the brand prescribed and the name of
10 the brand dispensed and designate each respectively. If the
11 dispensed drug does not have a brand name, the prescription label

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1 shall indicate the generic name of the drug dispensed, except as
2 otherwise provided in section 17756.

3 (2) If a pharmacist dispenses a generically equivalent drug
4 product, the pharmacist shall pass on the savings in cost to the
5 purchaser or to the third party payment source if the
6 prescription purchase is covered by a third party pay contract.
7 The savings in cost is the difference between the wholesale cost
8 to the pharmacist of the 2 drug products.

9 (3) The pharmacist shall not dispense a generically
10 equivalent drug product under subsection (1) if any of the
11 following applies:

12 (a) The prescriber, in the case of a prescription in writing
13 signed by the prescriber, writes in his or her own handwriting
14 "dispense as written" or "d.a.w." on the prescription.

15 (b) The prescriber, having preprinted on his or her
16 prescription blanks the statement "another brand of a generically
17 equivalent product, identical in dosage, form, and content of
18 active ingredients, may be dispensed unless initialed d.a.w.",
19 writes in his or her own handwriting, the initials "d.a.w." in a
20 space, box, or square adjacent to the statement.

21 (c) The prescriber, in the case of a prescription other than
22 one in writing signed by the prescriber, expressly indicates the
23 prescription is to be dispensed as communicated.

24 (4) A pharmacist may not dispense a drug product with a total
25 charge that exceeds the total charge of the drug product
26 originally prescribed, unless agreed to by the purchaser.