

**SUBSTITUTE FOR  
HOUSE BILL NO. 5436**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 17703, 17704, 17707, 17708, 17709, 17744,  
17751, and 17757 (MCL 333.17703, 333.17704, 333.17707, 333.17708,  
333.17709, 333.17744, 333.17751, and 333.17757), sections 17703,  
17707, 17708, 17751, and 17757 as amended by 2023 PA 97, section  
17704 as amended by 2018 PA 41, section 17709 as amended by 2020 PA  
142, and section 17744 as amended by 2020 PA 136, and by adding  
section 17744g.

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

1           Sec. 17703. (1) "Deliver" or "delivery" means the actual,  
2 constructive, or attempted transfer of a drug or device from 1  
3 person to another.



1 (2) "Device" means an instrument, apparatus, or contrivance,  
 2 including its components, parts, and accessories, intended for use  
 3 in the diagnosis, cure, mitigation, treatment, or prevention of  
 4 disease in human beings or other animals, or to affect the  
 5 structure or function of the body of human beings or other animals.

6 (3) "Dispense" means the preparation, compounding, packaging,  
 7 or labeling of a drug pursuant to ~~a~~**any of the following:**

8 (a) **A** prescription. ~~or other~~

9 (b) **An** authorization issued by a prescriber. ~~or pursuant to~~  
 10 ~~section~~

11 (c) **Section** 17724a or 17744f.

12 (4) "Dispensing prescriber" means a prescriber, other than a  
 13 veterinarian, who dispenses prescription drugs.

14 (5) Except as otherwise provided in section 17780,  
 15 "distribute" or "distribution" means to sell, offer for sale,  
 16 deliver, offer to deliver, broker, give away, or transfer a drug,  
 17 whether by passage of title or physical movement. The term does not  
 18 include any of the following:

19 (a) Dispensing or administering a drug.

20 (b) The delivery of a drug, or offering to deliver a drug, by  
 21 a common carrier in the usual course of business as a common  
 22 carrier.

23 (c) The delivery of a drug via an automated device under  
 24 section 17760.

25 (6) "Drug" means any of the following:

26 (a) A substance recognized or for which the standards or  
 27 specifications are prescribed in the official compendium.

28 (b) A substance intended for use in the diagnosis, cure,  
 29 mitigation, treatment, or prevention of disease in human beings or



1 other animals.

2 (c) A substance, other than food, intended to affect the  
3 structure or a function of the body of human beings or other  
4 animals.

5 (d) A substance intended for use as a component of a substance  
6 specified in subdivision (a), (b), or (c), but not including a  
7 device or its components, parts, or accessories.

8 (7) "Electronic signature" means an electronic sound, symbol,  
9 or process attached to or logically associated with a record and  
10 executed or adopted by a person with the intent to sign the record.

11 (8) "Electronically transmitted prescription" means the  
12 communication of an original prescription or refill authorization  
13 by electronic means including computer to computer, computer to  
14 facsimile machine, or email transmission that contains the same  
15 information it contained when the prescriber or ~~his or her~~ **the**  
16 **prescriber's** agent transmitted the prescription. Electronically  
17 transmitted prescription does not include a prescription or refill  
18 authorization transmitted by telephone or facsimile machine.

19 (9) **"Emergency contraceptive" means a drug approved by the FDA**  
20 **to prevent pregnancy as soon as possible following unprotected**  
21 **sexual intercourse or a known or suspected contraceptive failure.**

22 Sec. 17704. (1) "Federal act" means the federal food, drug,  
23 and cosmetic act, 21 USC 301 to ~~399h~~ **399i**.

24 (2) "Food and Drug Administration" or "FDA" means the United  
25 States Food and Drug Administration.

26 (3) "Generic name" means the established or official name of a  
27 drug or drug product.

28 (4) "Harmful drug" means a drug intended for use by human  
29 beings that is harmful because of its toxicity, habit-forming



1 nature, or other potential adverse effect; the method of its use;  
 2 or the collateral measures necessary to its safe and effective use  
 3 and that is designated as harmful by a rule promulgated under this  
 4 part.

5 **(5) "Hormonal contraceptive patch" means a transdermal patch**  
 6 **applied to the skin of an individual that releases a drug composed**  
 7 **of a combination of hormones that is approved by the FDA to prevent**  
 8 **pregnancy.**

9 **(6) ~~(5)~~**—"Interchangeable biological drug product" means either  
 10 of the following, as applicable:

11 (a) A biological drug product that is licensed by the FDA and  
 12 that the FDA has determined meets the standards for  
 13 interchangeability under 42 USC 262(k)(4).

14 (b) Until March 23, 2021, a biological drug product that the  
 15 FDA has determined to be therapeutically equivalent as set forth in  
 16 "Approved Drug Products with Therapeutic Equivalence Evaluations",  
 17 an FDA publication that is commonly referred to as the "Orange  
 18 Book".

19 **(7) ~~(6)~~**—"Internship" means an educational program of  
 20 professional and practical experience for an intern.

21 Sec. 17707. (1) "Parent pharmacy" means a pharmacy that  
 22 operates a remote pharmacy through a telepharmacy system.

23 (2) "Personal charge" means the immediate physical presence of  
 24 a pharmacist or dispensing prescriber.

25 (3) "Pharmacist" means an individual who is licensed under  
 26 this article to engage in the practice of pharmacy.

27 (4) "Pharmacist in charge" or "PIC" means the pharmacist who  
 28 is designated by a pharmacy, manufacturer, wholesale distributor,  
 29 or wholesale distributor-broker as its pharmacist in charge under



1 section 17748(2).

2 (5) "Pharmacist intern" or "intern" means an individual who  
3 satisfactorily completes the requirements set forth in rules  
4 promulgated by the department in consultation with the board and is  
5 licensed by the board for the purpose of obtaining instruction in  
6 the practice of pharmacy from a preceptor approved by the board.

7 (6) "Pharmacy" means a facility or part of a facility that is  
8 licensed under this part to dispense prescription drugs or prepare  
9 prescription drugs for delivery or distribution. Pharmacy does not  
10 include the office of a dispensing prescriber or an automated  
11 device. For the purpose of a duty placed on a pharmacy under this  
12 part, "pharmacy" means the person to which the pharmacy license is  
13 issued, unless otherwise specifically provided.

14 (7) "Pharmacy technician" means an individual who is required  
15 to hold a health profession subfield license under this part to  
16 serve as a pharmacy technician.

17 (8) "Practice of pharmacy" means a health service, the  
18 clinical application of which includes the encouragement of safety  
19 and efficacy in the prescribing, dispensing, administering, and use  
20 of drugs and related articles for the prevention of illness, and  
21 the maintenance and management of health. Practice of pharmacy  
22 includes the direct or indirect provision of professional functions  
23 and services associated with the practice of pharmacy. Professional  
24 functions associated with the practice of pharmacy include the  
25 following:

26 (a) The interpretation and evaluation of the prescription.

27 (b) Drug product selection.

28 (c) The compounding, dispensing, safe storage, and  
29 distribution of drugs and devices.



1 (d) The maintenance of legally required records.

2 (e) Advising the prescriber and the patient as required as to  
3 contents, therapeutic action, utilization, and possible adverse  
4 reactions or interactions of drugs.

5 (f) Ordering and administering qualified immunizing agents in  
6 accordance with section 17724.

7 (g) Ordering and administering qualified laboratory tests in  
8 accordance with section 17724a.

9 **(h) Issuing prescriptions for hormonal contraceptive patches,**  
10 **self-administered hormonal contraceptives, emergency**  
11 **contraceptives, and vaginal ring hormonal contraceptives in**  
12 **accordance with section 17744g.**

13 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the  
14 board to direct the training of an intern in an approved pharmacy.

15 (2) "Prescriber" means a licensed dentist; a licensed doctor  
16 of medicine; a licensed doctor of osteopathic medicine and surgery;  
17 a licensed doctor of podiatric medicine and surgery; a licensed  
18 physician's assistant; subject to part 174, a licensed optometrist;  
19 subject to section 17211a, an advanced practice registered nurse; a  
20 licensed veterinarian; subject to subsection (7), a registered  
21 professional nurse who holds a specialty certification as a nurse  
22 anesthetist under section 17210 when ~~he or she is~~ engaging in the  
23 practice of nursing and providing the anesthesia and analgesia  
24 services described in section 17210(3); or any other licensed  
25 health professional acting under the delegation and using,  
26 recording, or otherwise indicating the name of the delegating  
27 licensed doctor of medicine or licensed doctor of osteopathic  
28 medicine and surgery. As used in this subsection:

29 (a) "Advanced practice registered nurse" means that term as



1 defined in section 17201 and includes a licensed advanced practice  
2 registered nurse.

3 (b) "License" means that term as defined in section 16106 and  
4 includes an authorization issued under the laws of another state or  
5 province of Canada to practice a profession described in this  
6 subsection in that state or province of Canada where practice would  
7 otherwise be unlawful.

8 (3) "Prescription" means an order by a prescriber to fill,  
9 compound, or dispense a drug or device written and signed; written  
10 or created in an electronic format, signed, and transmitted by  
11 facsimile; or transmitted electronically or by other means of  
12 communication. An order transmitted in other than written or hard-  
13 copy form must be electronically recorded, printed, or written and  
14 immediately dated by the pharmacist, and that record is considered  
15 the original prescription. In a health facility or agency licensed  
16 under article 17 or other medical institution, an order for a drug  
17 or device in the patient's chart is considered for the purposes of  
18 this definition the original prescription. For purposes of this  
19 part, prescription also includes a standing order issued under  
20 section 17744e **and an order to dispense a hormonal contraceptive**  
21 **patch, a self-administered hormonal contraceptive, an emergency**  
22 **contraceptive, or a vaginal ring hormonal contraceptive issued by a**  
23 **pharmacist under section 17744g**. Subject to section 17751(2) and  
24 (5), prescription includes, but is not limited to, an order for a  
25 drug, not including a controlled substance except under  
26 circumstances described in section 17763(e), written and signed;  
27 written or created in an electronic format, signed, and transmitted  
28 by facsimile; or transmitted electronically or by other means of  
29 communication by a prescriber in another state or province of



1 Canada.

2 (4) Subject to subsection (5), "prescription drug" means a  
3 drug to which 1 or more of the following apply:

4 (a) The drug is dispensed pursuant to a prescription.

5 (b) The drug bears the federal legend "CAUTION: federal law  
6 prohibits dispensing without prescription" or "Rx only".

7 (c) The drug is designated by the board as a drug that may  
8 only be dispensed pursuant to a prescription.

9 (5) For purposes of this part, prescription drug also includes  
10 a drug dispensed pursuant to section 17724a or 17744f.

11 (6) "Remote pharmacy" means a pharmacy described in sections  
12 17742a and 17742b.

13 (7) The authority of a registered professional nurse who holds  
14 a specialty certification as a nurse anesthetist under section  
15 17210 to prescribe pharmacological agents is limited to  
16 pharmacological agents for administration to patients as described  
17 in section 17210(3)(b), (c), or (d). Subsection (2) does not  
18 require new or additional third party reimbursement or mandated  
19 worker's compensation benefits for anesthesia and analgesia  
20 services provided under section 17210(3) by a registered  
21 professional nurse who holds a specialty certification as a nurse  
22 anesthetist under section 17210.

23 Sec. 17709. (1) **"Self-administered hormonal contraceptive"**  
24 **means a drug composed of a single hormone or combination of**  
25 **hormones that is approved by the FDA to prevent pregnancy and that**  
26 **the individual to whom the drug is prescribed may take orally,**  
27 **inject, or otherwise self-administer.**

28 (2) ~~(1)~~—"Sign" means to affix one's signature manually to a  
29 document or to use an electronic signature when transmitting a





1 prescription electronically.

2 (3) ~~(2)~~—"Sterile pharmaceutical" means a dosage form of a drug  
3 that is essentially free from living microbes and chemical or  
4 physical contamination to the point at which it poses no present  
5 risk to the patient, in accordance with USP standards. As used in  
6 this subsection, "dosage form" includes, but is not limited to,  
7 parenteral, injectable, and ophthalmic dosage forms.

8 (4) ~~(3)~~—"Substitute" means to dispense, without the  
9 prescriber's authorization, a different drug in place of the drug  
10 prescribed.

11 (5) ~~(4)~~—"Surveillance system" means a real-time, continuous  
12 audio and visual camera system that connects a pharmacist at a  
13 parent pharmacy with a remote pharmacy for the purposes of  
14 providing oversight and security surveillance.

15 (6) ~~(5)~~—"Telepharmacy system" means an interoperable computer  
16 system that meets all of the following requirements:

17 (a) Shares real-time data and uses a real-time audio and video  
18 link to connect a pharmacist at a parent pharmacy with a remote  
19 pharmacy operated by the parent pharmacy.

20 (b) Uses a camera that is of sufficient quality and resolution  
21 to allow a pharmacist at a parent pharmacy who is reviewing a  
22 prescription to visually identify the markings on tablets and  
23 capsules at the remote pharmacy.

24 (7) ~~(6)~~—"USP standards" means the pharmacopeial standards for  
25 drug substances, dosage forms, and compounded preparations based on  
26 designated levels of risk as published in the official compendium.

27 (8) ~~(7)~~—"Wholesale distributor" means a person, other than a  
28 manufacturer or wholesale distributor-broker, that supplies,  
29 distributes, sells, offers for sale, barter, or otherwise disposes



1 of, to other persons for resale, compounding, or dispensing, a drug  
 2 or device salable on prescription only that the distributor has not  
 3 prepared, produced, derived, propagated, compounded, processed,  
 4 packaged, or repackaged, or otherwise changed the container or the  
 5 labeling of the drug or device. A wholesale distributor does not  
 6 include a pharmacy unless the pharmacy meets the requirements of  
 7 section 17748f.

8 (9) ~~(8)~~—"Wholesale distributor-broker" means a person that  
 9 meets both of the following:

10 (a) The person facilitates the delivery or trade of a drug or  
 11 device salable on prescription only, other than a controlled  
 12 substance, between pharmacies, or between a pharmacy and a  
 13 qualified pharmacy as that term is defined in section 17748e, for  
 14 the purpose of filling a prescription for an identified patient.

15 (b) The person does not take possession or ownership of a drug  
 16 or device salable on prescription only or coordinate warehousing of  
 17 the drug or device.

18 Sec. 17744. (1) A prescriber may designate an agent to act on  
 19 behalf of or at the discretion of that prescriber. A designation of  
 20 an agent by a prescriber under this section is not required to be  
 21 in writing to be a valid designation. If a designation of an agent  
 22 by a prescriber under this section is contained in a written  
 23 document, the prescriber or the agent may transmit that document to  
 24 a pharmacy that will dispense a prescription issued by that  
 25 prescriber.

26 (2) ~~Only~~ **Except as otherwise provided in this part, only** a  
 27 prescriber **who is** acting within the scope of ~~his or her~~ **the**  
 28 **prescriber's** practice may issue a prescription. An agent may  
 29 prepare and transmit a prescription that has been signed by the



1 prescriber, including a signature that meets the requirements of  
2 section 17754 or 17754a. The prescriber issuing a prescription and  
3 the pharmacist **issuing a prescription in accordance with this part**  
4 **or** dispensing a drug or device under a prescription is responsible  
5 for all of the requirements of state and federal law, rules, and  
6 regulations regarding the issuance of prescriptions and dispensing  
7 of drugs or devices under prescriptions.

8 (3) A prescriber or ~~his or her~~ **the prescriber's** agent may  
9 transmit to a pharmacy a prescription that is contained within a  
10 patient's chart in a health facility or agency licensed under  
11 article 17 or other medical institution. A prescription that is  
12 contained within a patient's chart in a health facility or agency  
13 licensed under article 17 or other medical institution and that is  
14 created in an electronic format may contain more than 6  
15 prescriptions and may contain prescriptions for schedule 3 ~~through~~  
16 **to** 5 controlled substances and noncontrolled substances on the same  
17 form.

18 **Sec. 17744g. (1) Subject to the rules promulgated under this**  
19 **section, a pharmacist may issue a prescription for a hormonal**  
20 **contraceptive patch, a self-administered hormonal contraceptive, an**  
21 **emergency contraceptive, or a vaginal ring hormonal contraceptive**  
22 **to an individual, regardless of the individual's age and regardless**  
23 **of whether the individual has evidence of a previous prescription**  
24 **from a prescriber for a hormonal contraceptive patch, a self-**  
25 **administered hormonal contraceptive, an emergency contraceptive, or**  
26 **a vaginal ring hormonal contraceptive.**

27 (2) By 18 months after the effective date of the amendatory  
28 act that added this section, the department, in consultation with  
29 the board, shall promulgate rules to implement this section. The



1 rules must establish a standard procedure for issuing a  
2 prescription for a hormonal contraceptive patch, a self-  
3 administered hormonal contraceptive, an emergency contraceptive,  
4 and a vaginal ring hormonal contraceptive under this section. The  
5 rules must also prohibit a pharmacist from issuing a prescription  
6 for a hormonal contraceptive patch, a self-administered hormonal  
7 contraceptive, an emergency contraceptive, or a vaginal ring  
8 hormonal contraceptive to an individual described in subsection (1)  
9 if the individual has not completed the self-screening risk  
10 assessment tool developed under subsection (3) and must require  
11 that a pharmacist comply with all of the following:

12 (a) Complete a training program that is approved by the board  
13 for issuing a prescription for a hormonal contraceptive patch, a  
14 self-administered hormonal contraceptive, an emergency  
15 contraceptive, or a vaginal ring hormonal contraceptive.

16 (b) Provide the self-screening risk assessment tool that is  
17 developed under subsection (3) to an individual described in  
18 subsection (1) before issuing a prescription for a hormonal  
19 contraceptive patch, a self-administered hormonal contraceptive, an  
20 emergency contraceptive, or a vaginal ring hormonal contraceptive  
21 to the individual.

22 (c) Upon issuing a prescription for the hormonal contraceptive  
23 patch, self-administered hormonal contraceptive, emergency  
24 contraceptive, or vaginal ring hormonal contraceptive to an  
25 individual described in subsection (1), refer the individual to the  
26 individual's primary care physician, or if the individual does not  
27 have a primary care physician, to another licensed health  
28 professional that the pharmacist considers appropriate.

29 (d) Provide an individual described in subsection (1) with a



1 written record of the hormonal contraceptive patch, self-  
2 administered hormonal contraceptive, emergency contraceptive, or  
3 vaginal ring hormonal contraceptive for which the individual is  
4 issued the prescription and advise the individual to consult with a  
5 physician or other licensed health professional.

6 (e) If an individual described in subsection (1) has not had a  
7 physical examination in the previous 12 months, refer the  
8 individual to the individual's primary care provider for a physical  
9 examination after issuing a prescription for the hormonal  
10 contraceptive patch, self-administered hormonal contraceptive,  
11 emergency contraceptive, or vaginal ring hormonal contraceptive to  
12 the individual.

13 (f) Dispense the hormonal contraceptive patch, self-  
14 administered hormonal contraceptive, emergency contraceptive, or  
15 vaginal ring hormonal contraceptive to an individual described in  
16 subsection (1) as soon as practicable after issuing the  
17 prescription for the hormonal contraceptive patch, self-  
18 administered hormonal contraceptive, emergency contraceptive, or  
19 vaginal ring hormonal contraceptive to the individual, or transmit  
20 the prescription to another pharmacy of the individual's choice if  
21 authorized pursuant to rules promulgated by the department.

22 (3) The department, in consultation with the board, shall by  
23 rule develop a self-screening risk assessment tool to be used by an  
24 individual who is seeking a prescription for a hormonal  
25 contraceptive patch, a self-administered hormonal contraceptive, an  
26 emergency contraceptive, or a vaginal ring hormonal contraceptive  
27 under this section.

28 Sec. 17751. (1) Except as otherwise provided in sections  
29 17724a and 17744f, a pharmacist shall not dispense a drug requiring



1 a prescription under the federal act or a law of this state except  
2 under authority of an original prescription or an equivalent record  
3 of an original prescription approved by the board. A pharmacist  
4 described in section 17742b(2) may dispense a drug pursuant to an  
5 original prescription received at a remote pharmacy if the  
6 pharmacist receives, reviews, and verifies an exact digital image  
7 of the prescription received at the remote pharmacy before the drug  
8 is dispensed at the remote pharmacy.

9 (2) Subject to this subsection and subsections (1) and (5), a  
10 pharmacist may dispense a drug or device pursuant to a prescription  
11 written and signed; written or created in an electronic format,  
12 signed, and transmitted by facsimile; or transmitted electronically  
13 or by other means of communication by a prescriber in another state  
14 or province of Canada, but not including a prescription for a  
15 controlled substance except under circumstances described in  
16 section 17763(e). Before dispensing a drug or device pursuant to a  
17 prescription under this subsection, the pharmacist, in the exercise  
18 of ~~his or her~~ **the pharmacist's** professional judgment, must  
19 determine all of the following:

20 (a) Except as otherwise authorized under section 5110, 17744a,  
21 or 17744b, if the prescriber is not a veterinarian, that the  
22 prescription was issued pursuant to an existing prescriber-patient  
23 relationship.

24 (b) That the prescription is authentic.

25 (c) That the prescribed drug is appropriate and necessary for  
26 the treatment of an acute, chronic, or recurrent condition.

27 (3) A pharmacist or a prescriber shall dispense a drug or  
28 device pursuant to a prescription only if the prescription falls  
29 within the scope of practice of the prescriber **or if the**



1 **prescription was issued by a pharmacist in accordance with this**  
2 **part.**

3 (4) A pharmacist shall not knowingly dispense a drug or device  
4 pursuant to a prescription after the death of the ~~prescriber or~~  
5 patient.

6 (5) A pharmacist shall not dispense a drug or device pursuant  
7 to a prescription transmitted by facsimile or created in electronic  
8 format and printed out for use by the patient unless the document  
9 is manually signed by the prescriber. This subsection does not  
10 apply to any of the following:

11 (a) A prescription that is transmitted by a computer to a  
12 facsimile machine if that prescription complies with section 17754  
13 or 17754a.

14 (b) A prescription that is received by a remote pharmacy and  
15 made available to a pharmacist described in section 17742b(2) for  
16 review and verification in the manner required under subsection  
17 (1).

18 (6) After consultation with and agreement from the prescriber,  
19 a pharmacist may add or change a patient's address, a dosage form,  
20 a drug strength, a drug quantity, a direction for use, or an issue  
21 date with regard to a prescription. A pharmacist shall note the  
22 details of the consultation and agreement required under this  
23 subsection on the prescription or, if the drug is dispensed at a  
24 remote pharmacy, on the digital image of the prescription described  
25 in subsection (1), and shall maintain that documentation with the  
26 prescription as required in section 17752. A pharmacist shall not  
27 change the patient's name, controlled substance prescribed unless  
28 authorized to dispense a lower cost generically equivalent drug  
29 product under section 17755, or the prescriber's signature with



1 regard to a prescription.

2 (7) A prescription that is contained within a patient's chart  
3 in a health facility or agency licensed under article 17 or other  
4 medical institution and that is transmitted to a pharmacy under  
5 section 17744 is the original prescription. If all other  
6 requirements of this part are met, a pharmacist shall dispense a  
7 drug or device pursuant to a prescription described in this  
8 subsection. A pharmacist may dispense a drug or device pursuant to  
9 a prescription described in this subsection even if the  
10 prescription does not contain the quantity ordered. If a  
11 prescription described in this subsection does not contain the  
12 quantity ordered, the pharmacist shall consult with the prescriber  
13 to determine an agreed-upon quantity. The pharmacist shall record  
14 the quantity dispensed on the prescription and shall maintain that  
15 documentation with the prescription as required in section 17752.

16 (8) If, after consulting with a patient, a pharmacist  
17 determines in the exercise of ~~his or her~~ **the pharmacist's**  
18 professional judgment that dispensing additional quantities of a  
19 prescription drug is appropriate for the patient, the pharmacist  
20 may dispense, at one time, additional quantities of the  
21 prescription drug up to the total number of dosage units authorized  
22 by the prescriber on the original prescription for the patient and  
23 any refills of the prescription. Except for a controlled substance  
24 included in schedule 5 that does not contain an opioid, this  
25 subsection does not apply to a prescription for a controlled  
26 substance.

27 (9) Notwithstanding any provision of this section, a  
28 pharmacist who receives a prescription under subsection (2) from an  
29 advanced practice registered nurse prescriber or physician's





1 assistant prescriber in another state or province of Canada may  
 2 dispense the drug or device without determining whether the  
 3 advanced practice registered nurse prescriber or physician's  
 4 assistant prescriber is authorized under the laws of the other  
 5 state or province of Canada to issue the prescription.

6 Sec. 17757. (1) When a pharmacist engaged in the business of  
 7 selling drugs receives a prescription, the pharmacist may, or, when  
 8 the pharmacist receives a request made in person or by telephone,  
 9 the pharmacist shall provide the current selling price of a drug  
 10 dispensed by that pharmacy or comparative current selling prices of  
 11 generic and brand name drugs or biosimilar drug products dispensed  
 12 by that pharmacy. If information is provided under this subsection,  
 13 it must be provided before a drug is dispensed. A person that makes  
 14 a request for or receives price information under this subsection  
 15 is not obligated to purchase the drug for which the price or  
 16 comparative prices are requested or received. A pharmacy or a  
 17 pharmacist described in this subsection shall not enter into a  
 18 contract that prohibits the disclosure of the information described  
 19 in this subsection.

20 (2) A pharmacist engaged in the business of selling drugs  
 21 shall conspicuously display the notice described in subsection (3)  
 22 at each counter over which prescription drugs are dispensed.

23 (3) The notice required under subsection (2) must be in  
 24 substantially the following form:

25 NOTICE TO CONSUMERS

26 ABOUT PRESCRIPTION DRUGS

27 Under Michigan law, you have the right to find out the price  
 28 of a prescription drug before the pharmacist fills the  
 29 prescription. You ~~are under no obligation to have the prescription~~



1 ~~filled here and~~ may use this price information to shop around at  
2 other pharmacies. You may request price information in person or by  
3 telephone.

4 Every pharmacy has the current selling prices of both generic  
5 and brand name drugs dispensed by the pharmacy.

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

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

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

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

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

25 (5) The department shall provide a copy of the notice required  
26 under subsection (2) to each licensee. The department shall provide  
27 additional copies if needed. A person may duplicate or reproduce  
28 the notice if the duplication or reproduction is a true copy of the  
29 notice as produced by the department, without any additions or



1 deletions.

2 (6) The pharmacist shall furnish to the purchaser of a  
3 prescription drug at the time the drug is delivered to the  
4 purchaser a receipt evidencing the transactions that contains all  
5 of the following:

6 (a) The brand name of the drug, if applicable.

7 (b) The name of the manufacturer or the supplier of the drug,  
8 if the drug does not have a brand name.

9 (c) The strength of the drug, if significant.

10 (d) The quantity dispensed, if applicable.

11 (e) The name and address of the pharmacy.

12 (f) The serial number of the prescription, a reference to the  
13 standing order issued under section 17744e, or, if the prescription  
14 drug is dispensed pursuant to section 17724a or 17744f, a reference  
15 to the applicable section.

16 (g) The date the prescription was originally dispensed, if  
17 applicable.

18 (h) The name of the prescriber or, if prescribed under the  
19 prescriber's delegatory authority, the name of the delegatee. If  
20 the prescription drug is dispensed pursuant to section 17744f, the  
21 name of the original prescriber and the pharmacist dispensing the  
22 prescription drug. If the prescription drug is dispensed pursuant  
23 to section 17724a, the name of the pharmacist dispensing the  
24 prescription drug. **If the prescription was issued under section**  
25 **17744g, the name of the pharmacist issuing the prescription.**

26 (i) Except as otherwise authorized under section 5110, 17744a,  
27 17744b, or 17744e, the name of the patient for whom the drug was  
28 prescribed or dispensed.

29 (j) The price for which the drug was sold to the purchaser.



1           (7) The items required under subsection (6) (a), (b), and (c)  
2 may be omitted from a receipt by a pharmacist only if the omission  
3 is expressly required by the prescriber. The pharmacist shall  
4 retain a copy of each receipt furnished under subsection (6) for 90  
5 days. ~~The inclusion of~~ **Including** the items required under  
6 subsection (6) on the prescription container label is a valid  
7 receipt to the purchaser. Including the items required under  
8 subsection (6) on the written prescription form and retaining the  
9 form constitutes retention of a copy of the receipt.

10           (8) The department, in consultation with the board, may  
11 promulgate rules to implement this section.

12           Enacting section 1. This amendatory act does not take effect  
13 unless House Bill No. 5435 of the 102nd Legislature is enacted into  
14 law.

