

HOUSE BILL No. 4282

February 28, 2017, Introduced by Rep. Kosowski and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17752 (MCL 333.17752), as amended by 2005 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17752. (1) A **LICENSEE OR DISPENSING PRESCRIBER SHALL**
2 **PRESERVE A** prescription, or an equivalent record of the
3 prescription **THAT IS** approved by the board, ~~shall be preserved by a~~
4 ~~licensee or dispensing prescriber~~ for not less than 5 years.

5 (2) A prescription or equivalent record on file in a pharmacy
6 is not a public record. A person having custody of or access to
7 prescriptions shall not disclose their contents or provide copies
8 without the patient's authorization, to any person except to any of
9 the following:

10 (a) The patient for whom the prescription was issued, or

1 another pharmacist acting on behalf of the patient.

2 (b) The authorized prescriber who issued the prescription, or
3 a licensed health professional who is currently treating the
4 patient.

5 (c) An agency or agent of government responsible for the
6 enforcement of laws relating to drugs and devices.

7 (d) A person authorized by a court order.

8 (e) A person engaged in research projects or studies with
9 protocols approved by the board.

10 (3) **A PHARMACIST WHO DISPENSES A PRESCRIPTION DRUG FOR A**
11 **PATIENT WHO HAS A MENTAL ILLNESS SHALL NOT DISCLOSE THE FACT THAT**
12 **THE PATIENT HAS A MENTAL ILLNESS TO ANY PERSON. AS USED IN THIS**
13 **SUBSECTION, "MENTAL ILLNESS" MEANS THAT TERM AS DEFINED IN SECTION**
14 **400 OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1400.**

15 (4) ~~(3)~~—A pharmacist may refill a copy of a prescription from
16 another pharmacy if the original prescription has remaining
17 authorized refills, and the copy is issued according to the
18 following procedure:

19 (a) The pharmacist issuing a written or oral copy of a
20 prescription shall cancel the original prescription and record the
21 cancellation. The record of cancellation ~~shall~~**MUST** include the
22 date the copy was issued, to whom **THE COPY WAS** issued, and the
23 identification of the pharmacist who issued the copy.

24 (b) The written or oral copy issued ~~shall~~**MUST** be a duplicate
25 of the original prescription except that it ~~shall~~**MUST** also include
26 the prescription number, the name of the pharmacy issuing the copy,
27 the date the copy was issued, and the number of authorized refills

1 remaining available to the patient.

2 (c) The pharmacist receiving a written or oral copy of the
3 prescription shall exercise reasonable diligence to determine
4 whether it is a valid copy, and having done so may treat the copy
5 as an original prescription.

6 (d) Except as described in this part, all other copies
7 furnished ~~shall~~ **MUST** be used for information purposes only and
8 clearly marked "for informational or reference purposes only".

9 **(5)** ~~(4)~~ Subsection ~~(3)~~ **(4)** does not apply to pharmacies that
10 share a real-time, on-line database or other equivalent means of
11 communication or to pharmacies that transfer prescriptions pursuant
12 to a written contract for centralized prescription processing
13 services as provided under section 17753.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.