

Legislative Analysis



ALLOW PATIENTS TO TAKE UNUSED PORTIONS OF CERTAIN EYE DROPS OR OINTMENTS

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

House Bill 4072 as introduced
Sponsor: Rep. Samantha Steckloff
Committee: Health Policy
Complete to 3-18-25

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

SUMMARY:

House Bill 4072 would amend the Public Health Code to require that the unused portion of eye drops or eye ointment provided by a facility (either a hospital or a freestanding surgical outpatient facility) for an ophthalmic surgical procedure or ophthalmic medical care must be offered to the patient upon their discharge if all of the following apply:

- The facility orders the eye drops or eye ointment for a procedure or care the patient receives on an in-patient basis.
- The eye drops or eye ointment is administered to the patient at the facility.
- The unused portion of the eye drops or eye ointment is required for the patient's continued treatment.

If a pharmacist, rather than a dispensing prescriber, dispenses eye drops or eye ointment offered to a patient as described above, the pharmacist would have to ensure that the eye drops or eye ointment is provided in a container labeled as required for a drug dispensed by a dispensing prescriber.

The prescriber of the facility-provided eye drops or eye ointment would have to counsel the patient on the directions for the patient's use of the eye drops or eye ointment. If a pharmacist dispenses the facility-provided eye drops or eye ointment, any counseling requirement on the pharmacist would be waived.

The above provisions would not apply to a pharmaceutical compounded under section 17748b of the code.¹

Proposed MCL 333.17773, 333.20817, and 333.21539

BACKGROUND:

The bill is identical to House Bill 5616 of the 2023-24 legislative session as that bill was passed by the House of Representatives.

FISCAL IMPACT:

House Bill 4072 would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs (LARA). The bill would allow unused eye drops or eye ointments administered during ophthalmic surgical procedures to be provided to patients and would

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-333-17748B>

establish requirements for this practice. This may create potential violations that LARA may investigate and issue disciplinary actions for. To the extent that violations of the new provisions occur, additional fine revenue may be realized and enforcement costs incurred.

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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.