

# Legislative Analysis



## CALCULATION OF DOSAGE UNITS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5072 as reported from committee**  
**Sponsor: Rep Ryan Berman**  
**Committee: Health Policy**  
**Complete to 10-19-21**

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

*(Enacted as Public Act 130 of 2021)*

## SUMMARY:

House Bill 5072 would amend the Public Health Code to specify how the calculation of dosage units is determined.

2020 PA 142<sup>1</sup> added section 17748f to the code, which provides that a pharmacy must obtain a wholesale distributor license if the total number of dosage units of all prescription drugs distributed by the pharmacy to a person during any consecutive 12-month period is more than 5% of the number of dosage units of prescription drugs it distributed and dispensed during that period.

The bill would stipulate that the calculation of that 5% threshold could not include a distribution of a prescription drug that is exempt from the definition of wholesale distribution under 21 USC 353(4)(e). That part of the federal U.S. Code lists a number of types of distribution that do not qualify as wholesale distribution, including intracompany distribution of any drug between members of an affiliate or within a manufacturer; the distribution of a drug, or offer to distribute a drug, among hospitals or other health care entities that are under common control; and the distribution of a drug by the manufacturer of that drug.

MCL 333.17748f

## FISCAL IMPACT:

The bill would not have a significant fiscal impact on any unit of state or local government.

## POSITIONS:

The following entities indicated support for the bill:

- Department of Licensing and Regulatory Affairs (10-14-21)
- Michigan Pharmacists Association (9-30-21)
- Michigan Health and Hospital Association (9-30-21)
- Michigan Association of Health Plans (10-14-21)

Legislative Analyst: Jenny McInerney  
Fiscal Analyst: Marcus Coffin

■ 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.

<sup>1</sup> <http://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-0630-ADB70270.pdf>