

**SUBSTITUTE FOR  
HOUSE BILL NO. 6021**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17766 (MCL 333.17766), as amended by 1990 PA  
30, and by adding section 17766d.

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

1       Sec. 17766. Except as provided in section ~~17766a~~ 17766d,  
2 a person who does any of the following is guilty of a  
3 misdemeanor:

4       (a) Obtains or attempts to obtain a prescription drug by  
5 giving a false name to a pharmacist or other authorized seller,  
6 prescriber, or dispenser.

7       (b) Obtains or attempts to obtain a prescription drug by  
8 falsely representing that he or she is a lawful prescriber,  
9 dispenser, or licensee, or acting on behalf of a lawful  
10 prescriber, dispenser, or licensee.

## House Bill No. 6021 as amended August 4, 2004

1 (c) Falsely makes, utters, publishes, passes, alters, or  
2 forges a prescription.

3 (d) Knowingly possesses a false, forged, or altered  
4 prescription.

5 (e) Knowingly attempts to obtain, obtains, or possesses a  
6 drug by means of a prescription for other than a legitimate  
7 therapeutic purpose, or as a result of a false, forged, or  
8 altered prescription.

9 (f) Possesses or controls for the purpose of resale, or  
10 sells, offers to sell, dispenses, or gives away, a drug,  
11 pharmaceutical preparation, or chemical that has been dispensed  
12 on prescription and has left the control of a pharmacist. ~~—, or~~

13 **(g) Possesses or controls for the purpose of resale, or**  
14 **sells, offers to sell, dispenses, or gives away, a drug,**  
15 **pharmaceutical preparation, or chemical** that has been damaged by  
16 heat, smoke, fire, water, or other cause and is unfit for human  
17 or animal use.

18 **(h) —(g)—** Prepares or permits the preparation of a  
19 prescription drug, except as delegated by a pharmacist.

20 **(i) —(h)—** Sells a drug in bulk or in an open package at  
21 auction, unless the sale has been approved in accordance with  
22 rules of the board.

23 **Sec. 17766d. (1) Notwithstanding section 17766(f), a**  
24 **pharmacy operated by the department of corrections or under**  
25 **contract with the department of corrections <<or a county jail>> may**  
26 **accept for the**  
27 **purpose of resale or redispensing a prescription drug that has**  
**been dispensed and has left the control of the pharmacist if the**

House Bill No. 6021 as amended August 4, 2004

1 prescription drug is being returned by a state correctional  
2 facility <<or a county jail that has a licensed physician's  
3 assistant, a registered professional nurse, or a licensed practical  
4 nurse, who is responsible for the security, handling, and administration  
5 of prescription drugs within that state correctional facility or county  
jail >> and if all of the following are met:

6 (a) The pharmacist is satisfied that the conditions under  
7 which the prescription drug has been delivered, stored, and  
8 handled before and during its return were such as to prevent  
9 damage, deterioration, or contamination that would adversely  
10 affect the identity, strength, quality, purity, stability,  
11 integrity, or effectiveness of the prescription drug.

12 (b) The pharmacist is satisfied that the prescription drug  
13 did not leave the control of the registered professional nurse or  
14 licensed practical nurse responsible for the security, handling,  
15 and administration of that prescription drug and that the  
16 prescription drug did not come into the physical possession of  
17 the individual for whom it was prescribed.

18 (c) The pharmacist is satisfied that the labeling and  
19 packaging of the prescription drug are accurate, have not been  
20 altered, defaced, or tampered with, and include the identity,  
21 strength, expiration date, and lot number of the prescription  
22 drug.

23 (d) The prescription drug was dispensed in a unit dose  
24 package or unit of issue package.

25 (2) A pharmacy operated by the department of corrections or  
26 under contract with the department of corrections <<or a county jail>>  
shall not  
27 accept for return prescription drugs as provided under this

1 section until the pharmacist in charge develops a written set of  
2 protocols for accepting, returning to stock, repackaging,  
3 labeling, and redispensing prescription drugs. The written  
4 protocols shall be maintained on the premises and shall be  
5 readily accessible to each pharmacist on duty. The written  
6 protocols shall include, at a minimum, each of the following:

7 (a) Methods to ensure that damage, deterioration, or  
8 contamination has not occurred during the delivery, handling,  
9 storage, and return of the prescription drugs which would  
10 adversely affect the identity, strength, quality, purity,  
11 stability, integrity, or effectiveness of those prescription  
12 drugs or otherwise render those drugs unfit for distribution.

13 (b) Methods for accepting, returning to stock, repackaging,  
14 labeling, and redispensing the prescription drugs returned under  
15 this section.

16 (c) A uniform system of recording and tracking prescription  
17 drugs that are returned to stock, repackaged, labeled, and  
18 redistributed under this section.

19 (3) If the integrity of a prescription drug and its package  
20 is maintained, a prescription drug returned under this section  
21 shall be returned to stock and redistributed as follows:

22 (a) A prescription drug that was originally dispensed in the  
23 manufacturer's unit dose package or unit of issue package and is  
24 returned in that same package may be returned to stock,  
25 repackaged, and redispensed as needed.

26 (b) A prescription drug that is repackaged into a unit dose  
27 package or a unit of issue package by the pharmacy, dispensed,

House Bill No. 6021 as amended August 4, 2004

1 and returned to that pharmacy in that unit dose package or unit  
2 of issue package may be returned to stock, but it shall not be  
3 repackaged. A unit dose package or unit of issue package  
4 prepared by the pharmacist and returned to stock shall only be  
5 redispensed in that same unit dose package or unit of issue  
6 package and shall only be redispensed once. A pharmacist shall  
7 not add unit dose package drugs to a partially used unit of issue  
8 package.

9 (4) This section does not apply to any of the following:

10 (a) A controlled substance.

11 (b) A prescription drug that is dispensed as part of a  
12 customized patient medication package.

13 (c) A prescription drug that is not dispensed as a unit dose  
14 package or a unit of issue package.

15 (d) A prescription drug that is not properly labeled with the  
16 identity, strength, lot number, and expiration date.

17 (e) A prescription drug that is dispensed in a medical  
18 institution and returned to stock for redistribution in  
19 accordance with R 338.486 of the Michigan administrative code.

20 (5) As used in this section:

<<(a) "County jail" means a facility operated by a county for the  
physical detention and correction of persons charged with, or convicted  
of, criminal offenses or ordinance violations or persons found guilty of  
civil or criminal contempt.>>

21 <<(b)>> "Customized patient medication package" means a package  
22 that is prepared by a pharmacist for a specific patient that  
23 contains 2 or more prescribed solid oral dosage forms.

24 <<(c)>> "Repackage" means a process by which the pharmacy  
25 prepares a unit dose package, unit of issue package, or  
26 Customized patient medication package for immediate dispensing  
27 pursuant to a current prescription.

House Bill No. 6021 as amended August 4, 2004

1       <<(d)>> "State correctional facility" means a facility or  
2 Institution that houses a prisoner population under the  
3 jurisdiction of the department of corrections.

4       <<(e)>> "Unit dose package" means a package that contains a  
5 single dose drug with the name, strength, control number, and  
6 Expiration date of that drug on the label.

7       <<(f)>> "Unit of issue package" means a package that provides  
8 multiple doses of the same drug, but each drug is individually  
9 separated and includes the name, lot number, and expiration date.