

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 248**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7333, 16226, 17744, and 17751 (MCL 333.7333,
333.16226, 333.17744, and 333.17751), section 7333 as amended by
2018 PA 34, section 16226 as amended by 2018 PA 463, section 17744
as added by 2012 PA 209, and section 17751 as amended by 2020 PA 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7333. (1) As used in this section, "good faith" means the
2 prescribing or dispensing of a controlled substance by a
3 practitioner licensed under section 7303 in the regular course of
4 professional treatment to or for an individual who is under
5 treatment by the practitioner for a pathology or condition other
6 than that individual's physical or psychological dependence ~~upon~~ **on**



1 or addiction to a controlled substance, except as provided in this
 2 article. Application of good faith to a pharmacist means the
 3 dispensing of a controlled substance pursuant to a prescriber's
 4 order which, in the professional judgment of the pharmacist, is
 5 lawful. The pharmacist shall be guided by nationally accepted
 6 professional standards including, but not limited to, all of the
 7 following, in making the judgment:

8 (a) Lack of consistency in the doctor-patient relationship.

9 (b) Frequency of prescriptions for the same drug by 1
 10 prescriber for larger numbers of patients.

11 (c) Quantities beyond those normally prescribed for the same
 12 drug.

13 (d) Unusual dosages.

14 (e) Unusual geographic distances between patient, pharmacist,
 15 and prescriber.

16 (2) Except as otherwise provided in this section, a
 17 practitioner, in good faith, may dispense a controlled substance
 18 included in schedule 2 **that is a prescription drug as determined**
 19 **under section 503(b) of the federal food, drug, and cosmetic act,**
 20 **21 USC 353, or section 17708, upon** receipt of a ~~either of the~~
 21 **following:**

22 (a) **A** prescription of a practitioner licensed under section
 23 7303 on a prescription form. ~~A practitioner may issue more~~ **More**
 24 than 1 prescription for a controlled substance included in schedule
 25 2 **may be included** on a single prescription form.

26 (b) **A prescription that is electronically transmitted under**
 27 **section 17754a.**

28 (3) In an emergency situation, as described in R 338.3165 of
 29 the Michigan Administrative Code, a controlled substance included



1 in schedule 2 may be dispensed ~~upon~~**on** the oral prescription of a
 2 practitioner if the prescribing practitioner promptly fills out a
 3 prescription form and forwards the prescription form to the
 4 dispensing pharmacy within 7 days after the oral prescription is
 5 issued. A prescription for a controlled substance included in
 6 schedule 2 must not be filled more than 90 days after the date on
 7 which the prescription was issued. A pharmacist, consistent with
 8 federal law and regulations on the partial filling of a controlled
 9 substance included in schedule 2, may partially fill in increments
 10 a prescription for a controlled substance included in schedule 2.

11 (4) A practitioner, in good faith, may dispense a controlled
 12 substance included in schedule 3, 4, or 5 that is a prescription
 13 drug as determined under section 503(b) of the federal food, drug,
 14 and cosmetic act, 21 USC 353, or section 17708, ~~upon~~**on** receipt of
 15 **a**~~any of the following:~~

16 (a) A prescription on a prescription form. ~~or an~~

17 (b) An oral prescription of a practitioner.

18 (c) **A prescription that is electronically transmitted under**
 19 **section 17754a.**

20 (5) A prescription for a controlled substance included in
 21 schedule 3 or 4 must not be filled or refilled without specific
 22 refill instructions noted by the prescriber. A prescription for a
 23 controlled substance included in schedule 3 or 4 must not be filled
 24 or refilled later than 6 months after the date of the prescription
 25 or be refilled more than 5 times, unless renewed by the prescriber
 26 in accordance with rules promulgated by the administrator.

27 (6) ~~(5)~~A controlled substance included in schedule 5 must not
 28 be distributed or dispensed other than for a medical purpose, or in
 29 any manner except in accordance with rules promulgated by the



1 administrator.

2 (7) ~~(6)~~—If a prescription is required under this section, the
 3 prescription must contain the quantity of the controlled substance
 4 prescribed in both written and numerical terms. A prescription is
 5 in compliance with this subsection if, in addition to containing
 6 the quantity of the controlled substance prescribed in written
 7 terms, it contains preprinted numbers representative of the
 8 quantity of the controlled substance prescribed next to which is a
 9 box or line the prescriber may check.

10 (8) ~~(7)~~—A prescribing practitioner shall not use a
 11 prescription form for a purpose other than prescribing. A
 12 prescribing practitioner shall not postdate a prescription form
 13 that contains a prescription for a controlled substance. ~~A—Until~~
 14 **the date on which section 17754a applies, a** prescriber may transmit
 15 a prescription by facsimile of a printed prescription form and by
 16 electronic transmission of a printed prescription form, if not
 17 prohibited by federal law. If, with the patient's consent, a
 18 prescription is electronically transmitted **under this subsection,**
 19 it must be transmitted directly to a pharmacy of the patient's
 20 choice by the prescriber or the prescriber's authorized agent, and
 21 the data must not be altered, modified, or extracted in the
 22 transmission process.

23 (9) ~~(8)~~—Notwithstanding subsections (1) to ~~(5)~~, ~~(6)~~, a class B
 24 dealer may acquire a limited permit only for the purpose of buying,
 25 possessing, and administering a commercially prepared, premixed
 26 solution of sodium pentobarbital to perform euthanasia on injured,
 27 sick, homeless, or unwanted domestic pets and other animals, if the
 28 class B dealer does all of the following:

29 (a) Applies to the administrator for a permit in accordance



1 with rules promulgated under this part. The application must
2 contain the name of the individual in charge of the day-to-day
3 operations of the class B dealer's facilities and the name of the
4 individual responsible for designating employees who will be
5 performing euthanasia on animals pursuant to this act.

6 (b) Complies with the rules promulgated by the administrator
7 for the storage, handling, and use of a commercially prepared,
8 premixed solution of sodium pentobarbital to perform euthanasia on
9 animals. The class B dealer shall maintain a record of use and
10 shall make the record available for inspection by the department of
11 licensing and regulatory affairs, the department of agriculture and
12 rural development, and the United States Department of Agriculture.

13 (c) Subject to subdivision (d), certifies that the class B
14 dealer or an employee of the class B dealer has received, and can
15 document completion of, a minimum of 16 hours of training,
16 including at least 12 hours of content training and at least 4
17 hours of practical training, in the use of a commercially prepared,
18 premixed solution of sodium pentobarbital and an animal
19 tranquilizer to perform euthanasia on animals from a training
20 program approved by the state veterinarian, in consultation with
21 the Michigan board of veterinary medicine, and given by a licensed
22 veterinarian pursuant to rules promulgated by the administrator.
23 The training described in this subdivision ~~shall~~**must** comply with
24 the American Veterinary Medical Association's guidelines for the
25 euthanasia of animals.

26 (d) Until December 31, 2021, ensures that the class B dealer
27 or an employee of the class B dealer who received, and can document
28 the completion of, the 8 hours of training required immediately
29 before ~~the effective date of the 2018 amendatory act that amended~~



1 ~~this section~~ **May 22, 2018** only administers a commercially prepared,
2 premixed solution of sodium pentobarbital to perform euthanasia on
3 the animals described in this subsection. Beginning January 1,
4 2022, the individuals described in this subdivision must have
5 received, and be able to document the completion of, the training
6 described in subdivision (c) to administer a commercially prepared,
7 premixed solution of sodium pentobarbital or an animal tranquilizer
8 to perform euthanasia on the animals described in this subsection.

9 (e) Certifies that only an individual described in subdivision
10 (c) or (d) or an individual otherwise permitted to use a controlled
11 substance pursuant to this article will administer the commercially
12 prepared, premixed solution of sodium pentobarbital or an animal
13 tranquilizer according to written procedures established by the
14 class B dealer.

15 (f) Beginning January 1, 2022, certifies that the individual
16 in charge of the day-to-day operations of the class B dealer's
17 facilities has received, and can document the completion of, the
18 training described in subdivision (c).

19 (g) Complies with all state and federal laws, rules, and
20 regulations regarding the acquisition, use, and security of
21 controlled substances.

22 **(10)** ~~(9)~~ Notwithstanding subsections (1) to ~~(5)~~, **(6)**, an
23 animal control shelter or animal protection shelter registered with
24 the department of agriculture and rural development pursuant to
25 1969 PA 287, MCL 287.331 to 287.340, may acquire a limited permit
26 only for the purpose of buying, possessing, and administering a
27 commercially prepared, premixed solution of sodium pentobarbital,
28 or an animal tranquilizer, to use exclusively as an adjunct in the
29 process of performing euthanasia on injured, sick, homeless, or



1 unwanted domestic pets and other animals, if the animal control
2 shelter or animal protection shelter does all of the following:

3 (a) Applies to the administrator for a permit in accordance
4 with rules promulgated under this part. The application must
5 contain the name of the individual in charge of the day-to-day
6 operations of the animal control shelter or animal protection
7 shelter and the name of the individual responsible for designating
8 employees who will be performing euthanasia on animals pursuant to
9 this act.

10 (b) Complies with the rules promulgated by the administrator
11 for the storage, handling, and use of a commercially prepared,
12 premixed solution of sodium pentobarbital or an animal tranquilizer
13 to perform euthanasia on animals. The animal control shelter or
14 animal protection shelter shall maintain a record of use and make
15 the record available for inspection by the department of licensing
16 and regulatory affairs and the department of agriculture and rural
17 development.

18 (c) Subject to subdivision (d), certifies that an employee of
19 the animal control shelter or animal protection shelter has
20 received, and can document completion of, a minimum of 16 hours of
21 training, including at least 12 hours of content training and at
22 least 4 hours of practical training, in the use of a commercially
23 prepared, premixed solution of sodium pentobarbital and an animal
24 tranquilizer to perform euthanasia on animals from a training
25 program approved by the state veterinarian, in consultation with
26 the Michigan board of veterinary medicine, and given by a licensed
27 veterinarian pursuant to rules promulgated by the administrator.
28 The training described in this subdivision must comply with the
29 American Veterinary Medical Association's guidelines for the



1 euthanasia of animals.

2 (d) Until December 31, 2021, ensures that an employee of the
 3 animal control shelter or animal protection shelter who received,
 4 and can document the completion of, the training required
 5 immediately before ~~the effective date of the 2018 amendatory act~~
 6 ~~that amended this section~~ **May 22, 2018** only administers a
 7 commercially prepared solution of xylazine hydrochloride or a
 8 commercially prepared, premixed solution of sodium pentobarbital to
 9 perform euthanasia on the animals described in this subsection in
 10 accordance with his or her training. Beginning January 1, 2022, the
 11 employee described in this subdivision must have received, and be
 12 able to document the completion of, the training described in
 13 subdivision (c) to administer a commercially prepared, premixed
 14 solution of sodium pentobarbital or an animal tranquilizer to
 15 perform euthanasia on the animals described in this subsection.

16 (e) Certifies that only an individual described in subdivision
 17 (c) or (d) or an individual otherwise permitted to use a controlled
 18 substance pursuant to this article will administer a commercially
 19 prepared, premixed solution of sodium pentobarbital or an animal
 20 tranquilizer according to written procedures established by the
 21 animal control shelter or animal protection shelter.

22 (f) Beginning January 1, 2022, certifies that the individual
 23 in charge of the day-to-day operations of the animal control
 24 shelter or animal protection shelter has received, and can document
 25 the completion of, the training described in subdivision (c).

26 (g) Complies with all state and federal laws and regulations
 27 regarding the acquisition, use, and security of controlled
 28 substances.

29 **(11)** ~~(10)~~ The application described in subsection ~~(8)~~ ~~or~~ (9)



1 **or (10)** must include the names and addresses of all individuals
 2 employed by the animal control shelter or animal protection shelter
 3 or class B dealer who have been trained as described in subsection
 4 ~~(8)(e), (9)(c)~~, (d), and (f) or ~~(9)(e), (10)(c)~~, (d), and (f) and
 5 the name of the veterinarian who trained them. The list of names
 6 and addresses must be updated every 6 months.

7 **(12)** ~~(11)~~—If an animal control shelter or animal protection
 8 shelter or class B dealer issued a permit pursuant to subsection
 9 ~~(8) or (9)~~ **or (10)** does not have in its employ an individual
 10 trained as described in subsection ~~(8)(e) (9)(c)~~ or (d) and ~~(8)(f),~~
 11 **(9)(f)**, or ~~(9)(e) (10)(c)~~ or (d) and ~~(9)(f), (10)(f)~~, the animal
 12 control shelter or animal protection shelter or class B dealer
 13 shall immediately notify the administrator and shall cease to
 14 administer a commercially prepared, premixed solution of sodium
 15 pentobarbital or an animal tranquilizer for the purposes described
 16 in subsection ~~(8) or (9)~~ **or (10)** until the administrator is
 17 notified that 1 of the following has occurred:

18 (a) An individual trained as described in subsection ~~(8)(e),~~
 19 **(9)(c)**, (d), or (f) or ~~(9)(e), (10)(c)~~, (d), or (f) has been hired
 20 by the animal control shelter or animal protection shelter or class
 21 B dealer.

22 (b) An individual employed by the animal control shelter or
 23 animal protection shelter or class B dealer has been trained as
 24 described in subsection ~~(8)(e) (9)(c)~~ or (f) or ~~(9)(e) (10)(c)~~ or
 25 (f).

26 **(13)** ~~(12)~~—A veterinarian, including a veterinarian who trains
 27 individuals as described in subsection ~~(8)(e), (9)(c)~~, (d), or (f),
 28 or ~~(9)(e), (10)(c)~~, (d), or (f), is not civilly or criminally
 29 liable for the use of a commercially prepared, premixed solution of



1 sodium pentobarbital or an animal tranquilizer by an animal control
 2 shelter or animal protection shelter or a class B dealer, unless
 3 the veterinarian is employed by or under contract with the animal
 4 control shelter or animal protection shelter or class B dealer and
 5 the terms of the veterinarian's employment or the contract require
 6 the veterinarian to be responsible for the use or administration of
 7 the commercially prepared, premixed solution of sodium
 8 pentobarbital or animal tranquilizer.

9 (14) ~~(13)~~—A person shall not knowingly use or permit the use
 10 of a commercially prepared, premixed solution of sodium
 11 pentobarbital or an animal tranquilizer in violation of this
 12 section.

13 (15) ~~(14)~~—This section does not require that a veterinarian be
 14 employed by or under contract with an animal control shelter or
 15 animal protection shelter or class B dealer to obtain, possess, or
 16 administer a commercially prepared, premixed solution of sodium
 17 pentobarbital or an animal tranquilizer pursuant to this section.

18 (16) ~~(15)~~—Notwithstanding subsections (1) to ~~(5)~~, (6), an
 19 animal control shelter registered with the department of
 20 agriculture and rural development pursuant to 1969 PA 287, MCL
 21 287.331 to 287.340, may acquire a limited permit only for the
 22 purpose of buying, possessing, and administering an animal
 23 tranquilizer to sedate or immobilize an animal running at large
 24 that is dangerous or difficult to capture, if the animal control
 25 shelter does all of the following:

26 (a) Applies to the administrator for a permit in accordance
 27 with the rules promulgated under this part. The application must
 28 contain the name of the individual in charge of the day-to-day
 29 operations of the animal control shelter and the name of the



1 individual responsible for designating employees who will be
2 administering an animal tranquilizer pursuant to this act.

3 (b) Complies with the rules promulgated by the administrator
4 for the storage, handling, and use of an animal tranquilizer. The
5 animal control shelter shall maintain a record of use and shall
6 make the record available for inspection by the department of
7 licensing and regulatory affairs and the department of agriculture
8 and rural development.

9 (c) Subject to subdivision (d), certifies that an employee of
10 the animal control shelter has received, and can document
11 completion of, both of the following in the following order:

12 (i) The training described in subsection ~~(9)(c)~~ **(10)(c)**.

13 (ii) A minimum of 16 hours of training, including at least 12
14 hours of content training and at least 4 hours of practical
15 training, in the use of animal tranquilizers to sedate or
16 immobilize the animals described in this subsection from a training
17 program approved by the state veterinarian, in consultation with
18 the Michigan board of veterinary medicine, and given by a licensed
19 veterinarian pursuant to rules promulgated by the administrator.

20 (d) Until December 31, 2021, ensures that an employee of the
21 animal control shelter who received, and can document the
22 completion of, the training required immediately before ~~the~~
23 ~~effective date of the 2018 amendatory act that amended this section~~
24 **May 22, 2018** only administers a commercially prepared solution of
25 xylazine hydrochloride to sedate or immobilize the animals
26 described in this subsection. Beginning January 1, 2022, the
27 employee described in this subdivision must have received, and be
28 able to document the completion of, the training described in
29 subdivision (c) to administer an animal tranquilizer to perform



1 euthanasia on the animals described in this subsection.

2 (e) Certifies that only an individual described in subdivision
3 (c) or (d) or an individual otherwise permitted to use a controlled
4 substance pursuant to this article will administer an animal
5 tranquilizer according to written procedures established by the
6 animal control shelter.

7 (f) Beginning January 1, 2022, certifies that the individual
8 in charge of the day-to-day operations of the animal control
9 shelter has received, and can document the completion of, the
10 training described in subdivision (c).

11 (g) Complies with all state and federal laws, rules, and
12 regulations regarding the acquisition, use, and security of
13 controlled substances.

14 **(17)** ~~(16)~~—The application described in subsection ~~(15)~~—**(16)**
15 must include the names and business addresses of all individuals
16 employed by the animal control shelter who have been trained as
17 described in subsection ~~(15)(e)~~, **(16)(c)**, (d), and (f) and must
18 include documented proof of the training. The list of names and
19 business addresses must be updated every 6 months.

20 **(18)** ~~(17)~~—If an animal control shelter issued a permit
21 pursuant to subsection ~~(15)~~—**(16)** does not have in its employ an
22 individual trained as described in subsection ~~(15)(e)~~, **(16)(c)** or
23 (d) and ~~(15)(f)~~, **(16)(f)**, the animal control shelter shall
24 immediately notify the administrator and shall cease to administer
25 an animal tranquilizer for the purposes described in subsection
26 ~~(15)~~—**(16)** until the administrator is notified that 1 of the
27 following has occurred:

28 (a) An individual trained as described in subsection ~~(15)(e)~~,
29 **(16)(c)**, (d), or (f) has been hired by the animal control shelter.



1 (b) An individual employed by the animal control shelter has
2 been trained as described in subsection ~~(15)(e)~~ **(16)(c)** or (f).

3 **(19)** ~~(18)~~A veterinarian, including a veterinarian who trains
4 individuals as described in subsection ~~(15)(e)~~, **(16)(c)**, (d), or
5 (f), is not civilly or criminally liable for the use of an animal
6 tranquilizer by an animal control shelter unless the veterinarian
7 is employed by or under contract with the animal control shelter
8 and the terms of the veterinarian's employment or the contract
9 require the veterinarian to be responsible for the use or
10 administration of an animal tranquilizer.

11 **(20)** ~~(19)~~As used in this section:

12 (a) "Animal tranquilizer" means a commercially prepared
13 solution of xylazine hydrochloride, a commercially prepared
14 solution of ketamine, or a commercially prepared compound
15 containing tiletamine and zolazepam.

16 (b) "Class B dealer" means a class B dealer licensed by the
17 United States Department of Agriculture pursuant to the animal
18 welfare act, 7 USC 2131 to ~~2159~~ **2160** and the department of
19 agriculture and rural development pursuant to 1969 PA 224, MCL
20 287.381 to 287.395.

21 Sec. 16226. (1) After finding the existence of 1 or more of
22 the grounds for disciplinary subcommittee action listed in section
23 16221, a disciplinary subcommittee shall impose 1 or more of the
24 following sanctions for each violation:

<u>Violations of Section 16221</u>	<u>Sanctions</u>
Subdivision (a), (b) (i),	Probation, limitation, denial,
(b) (ii), (b) (iii), (b) (iv),	suspension, revocation,
(b) (v), (b) (vi), (b) (vii),	permanent revocation,



1 (b) *(ix)*, (b) *(x)*, (b) *(xi)*, restitution, or fine.
2 or (b) *(xii)*
3
4 Subdivision (b) *(viii)* Revocation, permanent revocation,
5 or denial.
6
7 Subdivision (b) *(xiii)* Permanent revocation
8 for a violation described in
9 subsection (5); otherwise,
10 probation, limitation, denial,
11 suspension, revocation,
12 restitution, or fine.
13
14 Subdivision (b) *(xiv)* Permanent revocation.
15
16 Subdivision (c) *(i)* Denial, revocation, suspension,
17 probation, limitation, or fine.
18
19 Subdivision (c) *(ii)* Denial, suspension, revocation,
20 restitution, or fine.
21
22 Subdivision (c) *(iii)* Probation, denial, suspension,
23 revocation, restitution, or fine.
24
25 Subdivision (c) *(iv)* Fine, probation, denial,
26 or (d) *(iii)* suspension, revocation, permanent
27 revocation, or restitution.
28



1	Subdivision (d) (i)	Reprimand, fine, probation,
2	or (d) (ii)	denial, or restitution.
3		
4	Subdivision (e) (i),	Reprimand, fine, probation,
5	(e) (iii), (e) (iv), (e) (v),	limitation, suspension,
6	(h), or (s)	revocation, permanent revocation,
7		denial, or restitution.
8		
9	Subdivision (e) (ii)	Reprimand, probation, suspension,
10	or (i) (i)	revocation, permanent
11		revocation, restitution,
12		denial, or fine.
13		
14	Subdivision (e) (vi),	Probation, suspension, revocation,
15	(e) (vii), or (e) (viii)	limitation, denial,
16		restitution, or fine.
17		
18	Subdivision (f)	Reprimand, denial, limitation,
19		probation, or fine.
20		
21	Subdivision (g)	Reprimand or fine.
22		
23	Subdivision (j)	Suspension or fine.
24		
25	Subdivision (k), (p),	Reprimand, probation, suspension,
26	or (r)	revocation, permanent revocation,
27		or fine.
28		

1	Subdivision (l)	Reprimand, denial, or
2		limitation.
3		
4	Subdivision (m) or (o)	Denial, revocation, restitution,
5		probation, suspension,
6		limitation, reprimand, or fine.
7		
8	Subdivision (n)	Revocation or denial.
9		
10	Subdivision (q)	Revocation.
11		
12	Subdivision (t)	Revocation, permanent revocation,
13		fine, or restitution.
14		
15	Subdivision (u)	Denial, revocation, probation,
16		suspension, limitation, reprimand,
17		or fine.
18		
19	Subdivision (v) or (x)	Probation, limitation, denial,
20		fine, suspension, revocation, or
21		permanent revocation.
22		
23	Subdivision (w)	Denial, fine, reprimand,
24		probation, limitation,
25		suspension, revocation, or
26		permanent revocation.
27	Subdivision (y)	Subject to subsection (7),
28		fine.
29	(2) Determination of sanctions for violations under this	

1 section shall be made by a disciplinary subcommittee. If, during
 2 judicial review, the court of appeals determines that a final
 3 decision or order of a disciplinary subcommittee prejudices
 4 substantial rights of the petitioner for 1 or more of the grounds
 5 listed in section 106 of the administrative procedures act of 1969,
 6 ~~1969 PA 306, MCL 24.306~~, and holds that the final decision or order
 7 is unlawful and is to be set aside, the court shall state on the
 8 record the reasons for the holding and may remand the case to the
 9 disciplinary subcommittee for further consideration.

10 (3) A disciplinary subcommittee may impose a fine in an amount
 11 that does not exceed \$250,000.00 for a violation of section
 12 16221(a) or (b). A disciplinary subcommittee shall impose a fine of
 13 at least \$25,000.00 if the violation of section 16221(a) or (b)
 14 results in the death of 1 or more patients.

15 (4) A disciplinary subcommittee may require a licensee or
 16 registrant or an applicant for licensure or registration who has
 17 violated this article, article 7, or article 8 or a rule
 18 promulgated under this article, article 7, or article 8 to
 19 satisfactorily complete an educational program, a training program,
 20 or a treatment program, a mental, physical, or professional
 21 competence examination, or a combination of those programs and
 22 examinations.

23 (5) A disciplinary subcommittee shall impose the sanction of
 24 permanent revocation for a violation of section 16221(b) *(xiii)* if the
 25 violation occurred while the licensee or registrant was acting
 26 within the health profession for which he or she was licensed or
 27 registered.

28 (6) Except as otherwise provided in subsection (5) and this
 29 subsection, a disciplinary subcommittee shall not impose the



1 sanction of permanent revocation under this section without a
 2 finding that the licensee or registrant engaged in a pattern of
 3 intentional acts of fraud or deceit resulting in personal financial
 4 gain to the licensee or registrant and harm to the health of
 5 patients under the licensee's or registrant's care. This subsection
 6 does not apply if a disciplinary subcommittee finds that a licensee
 7 or registrant has violated section 16221(b) (xiv) .

8 **(7) A disciplinary subcommittee shall impose a fine of not**
 9 **more than \$250.00 for each violation of section 16221(y) .**

10 Sec. 17744. (1) A prescriber may designate an agent to act on
 11 behalf of or at the discretion of that prescriber. A designation of
 12 an agent by a prescriber under this section is not required to be
 13 in writing to be a valid designation. If a designation of an agent
 14 by a prescriber under this section is contained in a written
 15 document, the prescriber or the agent may transmit that document to
 16 a pharmacy that will dispense a prescription issued by that
 17 prescriber.

18 (2) Only a prescriber acting within the scope of his or her
 19 practice may issue a prescription. An agent may prepare and
 20 transmit a prescription that has been signed by the prescriber,
 21 including a signature that meets the requirements of section 17754
 22 **or 17754a**. The prescriber issuing a prescription and the pharmacist
 23 dispensing a drug or device under a prescription is responsible for
 24 all of the requirements of state and federal law, rules, and
 25 regulations regarding the issuance of prescriptions and dispensing
 26 of drugs or devices under prescriptions.

27 (3) A prescriber or his or her agent may transmit to a
 28 pharmacy a prescription that is contained within a patient's chart
 29 in a health facility or agency licensed under article 17 or other



1 medical institution. A prescription that is contained within a
2 patient's chart in a health facility or agency licensed under
3 article 17 or other medical institution and that is created in an
4 electronic format may contain more than 6 prescriptions and may
5 contain prescriptions for schedule 3 through 5 controlled
6 substances and noncontrolled substances on the same form.

7 Sec. 17751. (1) A pharmacist shall not dispense a drug
8 requiring a prescription under the federal act or a law of this
9 state except under authority of an original prescription or an
10 equivalent record of an original prescription approved by the
11 board. A pharmacist described in section 17742b(2) may dispense a
12 drug pursuant to an original prescription received at a remote
13 pharmacy if the pharmacist receives, reviews, and verifies an exact
14 digital image of the prescription received at the remote pharmacy
15 before the drug is dispensed at the remote pharmacy.

16 (2) Subject to subsections (1) and (5), a pharmacist may
17 dispense a prescription written and signed; written or created in
18 an electronic format, signed, and transmitted by facsimile; or
19 transmitted electronically or by other means of communication by a
20 physician prescriber, dentist prescriber, or veterinarian
21 prescriber in another state, but not including a prescription for a
22 controlled substance except under circumstances described in
23 section 17763(e), only if the pharmacist in the exercise of his or
24 her professional judgment determines all of the following:

25 (a) Except as otherwise authorized under section 5110, 17744a,
26 or 17744b, if the prescriber is a physician or dentist, that the
27 prescription was issued pursuant to an existing physician-patient
28 or dentist-patient relationship.

29 (b) That the prescription is authentic.



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

3 (3) A pharmacist or a prescriber shall dispense a prescription
4 only if the prescription falls within the scope of practice of the
5 prescriber.

6 (4) A pharmacist shall not knowingly dispense a prescription
7 after the death of the prescriber or patient.

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

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

16 (b) A prescription that is received by a remote pharmacy and
17 made available to a pharmacist described in section 17742b(2) for
18 review and verification in the manner required under subsection
19 (1).

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



1 authorized to dispense a lower cost generically equivalent drug
2 product under section 17755, or the prescriber's signature with
3 regard to a prescription.

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

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

28 Enacting section 1. This amendatory act does not take effect
29 unless all of the following bills of the 100th Legislature are



1 enacted into law:

2 (a) Senate Bill No. 254.

3 (b) House Bill No. 4217.

