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PROHIBIT INTERNET DRUG PRESCRIPTIONS

House Bill 5824

Sponsor: Rep. Mark Schauer

Committee: Health Policy

Complete to 8-30-00

A SUMMARY OF HOUSE BILL 5824 AS INTRODUCED 5-23-00

The bill would amend the Public Health Code to prohibit a licensed practitioner from prescribing or dispensing a controlled substance for a patient based solely on a consultation via the Internet with the patient. "Internet" would mean that term as defined in Section 230 of Title II of the federal Communications Act of 1934. The Public Health Code currently defines a "practitioner" as a prescriber or pharmacist and includes scientific investigators and any other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to controlled substances, or administer a controlled substance. "Practitioner" also includes a pharmacy, hospital, or other institution or place of professional practice licensed, registered, or otherwise permitted to distribute, prescribe, dispense, and administer controlled substances. The code defines a "prescriber" as a licensed dentist, a licensed allopathic or osteopathic doctor, a podiatrist, an optometrist certified to administer and prescribe therapeutic pharmaceutical agents, veterinarians, or other licensed health professionals under the supervision of a licensed doctor (for example, a physician's assistant).

The Department of Consumer and Industry Services currently investigates activities related to the practice of licensed or registered health professions, and can bring various sanctions against licensees and registrants for violations of the code. The bill would add prescribing or dispensing a controlled substance or any prescription based on a consultation via the Internet to the list of offenses for which sanctions may be levied.

In addition, a person licensed under the code as a health professional would be prohibited from prescribing a therapeutic pharmaceutical agent for a patient based solely on a consultation via the Internet with the patient. A pharmacist could not dispense a prescription for a therapeutic pharmaceutical agent that was issued by an optometrist if the pharmacist knew that the prescription was issued after an Internet consultation, nor could a pharmacist fill any prescription issued to a patient if the pharmacist knew it was issued based solely on an Internet consultation. This would also apply to the filling of prescriptions written by out-of-state physicians.

Further, a person who obtained or attempted to obtain a prescription drug from a prescriber based solely on a consultation via the Internet with a doctor, optometrist, or veterinarian would be guilty of a misdemeanor and subject to existing penalties under the code.

MCL 333.7106 et al.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.