

# SENATE BILL No. 687

October 3, 2001, Introduced by Senators JOHNSON, NORTH, SHUGARS, HAMMERSTROM, BENNETT, GOSCHKA, GARCIA, STEIL, SCOTT and SCHWARZ and referred to the Committee on Health Policy.

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~~ SECTIONS 17766a  
2 AND 17766D, 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.

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 ther-  
7 apeutic purpose, or as a result of a false, forged, or altered  
8 prescription.

9 (f) Possesses or controls for the purpose of resale, or  
10 sells, offers to sell, dispenses, or gives away, a drug, pharma-  
11 ceutical preparation, or chemical that has been dispensed on pre-  
12 scription 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, PHARMA-  
15 CEUTICAL PREPARATION, OR CHEMICAL that has been damaged by heat,  
16 smoke, fire, water, or other cause and is unfit for human or  
17 animal use.

18 (H) ~~(g)~~ Prepares or permits the preparation of a prescrip-  
19 tion drug, except as delegated by a pharmacist.

20 (I) ~~(h)~~ Sells a drug in bulk or in an open package at auc-  
21 tion, unless the sale has been approved in accordance with rules  
22 of the board.

23 SEC. 17766D. (1) SECTION 17766(F) DOES NOT PROHIBIT THE  
24 GIVING AWAY OR DISPENSING OF A DRUG THAT HAS BEEN DISPENSED ON  
25 PRESCRIPTION AND HAS LEFT THE CONTROL OF A PHARMACIST IF ALL OF  
26 THE FOLLOWING REQUIREMENTS ARE MET:

1 (A) THE PATIENT FOR WHOM THE DRUG WAS ORIGINALLY DISPENSED  
2 HAS DIED.

3 (B) THE DRUG IS IN SEALED, UNIT-DOSED CONTAINERS.

4 (C) THE DRUG HAS BEEN STORED AND HANDLED SO AS TO PREVENT  
5 DAMAGE OR DETERIORATION THAT WOULD RENDER IT UNFIT FOR USE.

6 (D) THE DRUG IS DISPENSED, OR IS GIVEN AWAY FOR THE PURPOSE  
7 OF BEING DISPENSED, ON PRESCRIPTION TO A NEW PATIENT WITHOUT  
8 CHARGE. THIS SUBDIVISION DOES NOT PROHIBIT A REASONABLE CHARGE  
9 FOR HANDLING AND VERIFYING THAT THE REQUIREMENTS OF SUBDIVISIONS  
10 (A) TO (C) HAVE BEEN MET.

11 (2) THE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS  
12 SECTION. THE BOARD SHALL SUBMIT PROPOSED RULES FOR PUBLIC HEAR-  
13 ING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969  
14 PA 306, MCL 24.201 TO 24.328, WITHIN 6 MONTHS AFTER THE EFFECTIVE  
15 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

16 (3) A PERSON WHO EXERCISES THE AUTHORITY PROVIDED BY SUBSEC-  
17 TION (1) IN CONFORMITY WITH THE REQUIREMENTS OF SUBSECTION (1)  
18 AND RULES PROMULGATED UNDER SUBSECTION (2) IS NOT LIABLE FOR  
19 CIVIL DAMAGES RESULTING FROM AN ACT OR OMISSION IN THE EXERCISE  
20 OF THAT AUTHORITY, EXCEPT AN ACT OR OMISSION AMOUNTING TO GROSS  
21 NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.