

HOUSE BILL No. 6049

May 6, 2008, Introduced by Reps. Alma Smith, Warren, Meadows, Miller, Donigan, Condino, Gonzales, Kathleen Law, Tobocman, Hopgood, Farrah, Virgil Smith, Accavitti, Byrnes, Bieda, Bauer, Vagnozzi, Leland, Clack, Meisner, Hammel, Robert Jones, Lindberg and Hammon and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17751 and 17763 (MCL 333.17751 and 333.17763),
as amended by 2006 PA 672.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17751. (1) A pharmacist shall not dispense a drug
2 requiring a prescription under the federal act or a law of this
3 state except under authority of an original prescription or an
4 equivalent record of an original prescription approved by the
5 board.

6 (2) A pharmacist may dispense a prescription written and
7 signed or transmitted by facsimile, electronic transmission, or
8 other means of communication by a physician prescriber in a state
9 other than Michigan, but not including a prescription for a

1 controlled substance as defined in section 7104 except under
2 circumstances described in section 17763(e), only if the pharmacist
3 in the exercise of his or her professional judgment determines all
4 of the following:

5 (a) That the prescription was issued pursuant to an existing
6 physician-patient relationship.

7 (b) That the prescription is authentic.

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

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

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

15 **(5) A PHARMACIST SHALL NOT REFUSE TO DISPENSE OR TRANSFER A**
16 **PRESCRIPTION BASED SOLELY ON HIS OR HER ETHICAL, MORAL, OR**
17 **RELIGIOUS BELIEFS.**

18 Sec. 17763. In addition to the grounds set forth in part 161,
19 the disciplinary subcommittee may fine, reprimand, or place a
20 pharmacist licensee on probation, or deny, limit, suspend, or
21 revoke the license of a pharmacist or order restitution or
22 community service for a violation or abetting in a violation of
23 this part or rules promulgated under this part, or for 1 or more of
24 the following grounds:

25 (a) Permitting the dispensing of prescriptions by an
26 individual who is not a pharmacist, pharmacist intern, or
27 dispensing prescriber.

1 (b) Permitting the dispensing of prescriptions by a pharmacist
2 intern, except in the presence and under the personal charge of a
3 pharmacist.

4 (c) Selling at auction drugs in bulk or in open packages
5 unless the sale has been approved in accordance with rules of the
6 board.

7 (d) Promoting a prescription drug to the public in any manner.

8 (e) In addition to the prohibition contained in section
9 7405(1)(e), dispensing a prescription for a controlled substance as
10 defined in section 7104 that is written and signed or transmitted
11 by facsimile, electronic transmission, or other means of
12 communication by a physician prescriber in a state other than
13 Michigan, unless the prescription is issued by a physician
14 prescriber who resides adjacent to the land border between this
15 state and an adjoining state or resides in Illinois or Minnesota
16 and who is authorized under the laws of that state to practice
17 medicine or osteopathic medicine and surgery and to prescribe
18 controlled substances and whose practice may extend into this
19 state, but who does not maintain an office or designate a place to
20 meet patients or receive calls in this state.

21 (F) REFUSING TO DISPENSE OR TRANSFER A PRESCRIPTION BASED
22 SOLELY ON HIS OR HER ETHICAL, MORAL, OR RELIGIOUS BELIEFS.