

# HOUSE BILL No. 4776

April 2, 2009, Introduced by Reps. Wayne Schmidt, Elsenheimer, Marleau, Rick Jones and Ball and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 7333b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 7333B. (1) BEGINNING JANUARY 1, 2010, A PRESCRIBER SHALL  
2        REQUEST INFORMATION FROM THE ELECTRONIC SYSTEM AS ALLOWED IN  
3        SECTION 7333A(2)(F) BEFORE PRESCRIBING A CONTROLLED SUBSTANCE  
4        INCLUDED IN SCHEDULE 3 OR 4 TO A PATIENT. IN ADDITION TO ANY OTHER  
5        DUTY THE PRESCRIBER HAS WITH REGARD TO THAT PATIENT, THE PRESCRIBER  
6        SHALL UTILIZE INFORMATION RECEIVED FROM THE ELECTRONIC SYSTEM UNDER  
7        THIS SUBSECTION TO DETERMINE WHETHER A CONTROLLED SUBSTANCE  
8        INCLUDED IN SCHEDULE 3 OR 4 SHOULD BE PRESCRIBED FOR THAT PATIENT.  
9        INFORMATION OBTAINED BY THE PRESCRIBER FROM THE ELECTRONIC SYSTEM

1 UNDER THIS SUBSECTION IS CONFIDENTIAL AND IS SUBJECT TO THE  
2 PHYSICIAN-PATIENT PRIVILEGE. A PRESCRIBER SHALL MARK ON THE  
3 PRESCRIPTION FORM THAT HE OR SHE HAS RECEIVED INFORMATION FROM THE  
4 ELECTRONIC SYSTEM AS REQUIRED UNDER THIS SUBSECTION WITH REGARD TO  
5 THE PATIENT FOR WHICH THE PRESCRIPTION FOR A CONTROLLED SUBSTANCE  
6 INCLUDED IN SCHEDULE 3 OR 4 IS WRITTEN.

7 (2) BEGINNING JANUARY 1, 2010, A PHARMACIST OR DISPENSING  
8 PRESCRIBER SHALL NOT DISPENSE A CONTROLLED SUBSTANCE INCLUDED IN  
9 SCHEDULE 3 OR 4 TO A PATIENT UNLESS THE PRESCRIPTION FORM CONTAINS  
10 THE MARK OF THE PRESCRIBER THAT INDICATES THE PRESCRIBER HAS  
11 RECEIVED INFORMATION FROM THE ELECTRONIC SYSTEM AS REQUIRED UNDER  
12 SUBSECTION (1) WITH REGARD TO THE PATIENT FOR WHICH THE  
13 PRESCRIPTION FOR A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE 3 OR 4  
14 IS WRITTEN. AS USED IN THIS SECTION, "PHARMACIST" AND "DISPENSING  
15 PRESCRIBER" MEAN THOSE TERMS AS DEFINED IN PART 177.