

**SUBSTITUTE FOR  
SENATE BILL NO. 274**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 7333, 17744e, and 17763 (MCL 333.7333,  
333.17744e, and 333.17763), section 7333 as amended by 2010 PA 3,  
section 17744e as added by 2016 PA 383, and section 17763 as  
amended by 2016 PA 49, and by adding section 7333b.

**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 or

1 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 upon receipt of a prescription of a  
19 practitioner licensed under section 7303 on a prescription form. A  
20 practitioner may issue more than 1 prescription for a controlled  
21 substance included in schedule 2 on a single prescription form.

22 (3) In an emergency situation, as described in R 338.3165 of  
23 the Michigan ~~administrative code~~, **ADMINISTRATIVE CODE**, a controlled  
24 substance included in schedule 2 may be dispensed upon the oral  
25 prescription of a practitioner if the prescribing practitioner  
26 promptly fills out a prescription form and forwards the  
27 prescription form to the dispensing pharmacy within 7 days after

1 the oral prescription is issued. Except ~~for a terminally ill~~  
2 ~~patient whose terminal illness the pharmacist documents pursuant to~~  
3 ~~rules promulgated by the administrator, AS OTHERWISE PROVIDED IN~~  
4 **THIS SUBSECTION**, a prescription for a controlled substance included  
5 in schedule 2 ~~shall~~ **MUST** not be filled more than 90 days after the  
6 date on which the prescription was issued. A ~~prescription for a~~  
7 ~~controlled substance included in schedule 2 for a terminally ill~~  
8 ~~patient whose terminal illness the pharmacist documents pursuant to~~  
9 ~~rules promulgated by the administrator may be partially filled in~~  
10 ~~increments for not more than 60 days after the date on which the~~  
11 ~~prescription was issued.~~ **A PHARMACIST MAY PARTIALLY FILL IN**  
12 **INCREMENTS A PRESCRIPTION FOR A CONTROLLED SUBSTANCE INCLUDED IN**  
13 **SCHEDULE 2 IF 1 OF THE FOLLOWING IS MET:**

14 (A) THE PHARMACIST IS UNABLE TO SUPPLY THE FULL QUANTITY OF  
15 THE CONTROLLED SUBSTANCE PRESCRIBED OR THE PATIENT REQUESTS A  
16 SMALLER QUANTITY OF THE CONTROLLED SUBSTANCE THAN WHAT WAS  
17 PRESCRIBED. A PRESCRIPTION FOR A CONTROLLED SUBSTANCE THAT IS  
18 PARTIALLY FILLED UNDER THIS SUBDIVISION MUST NOT BE FILLED MORE  
19 THAN 30 DAYS AFTER THE DATE ON WHICH THE PRESCRIPTION WAS ISSUED.

20 (B) THE PRESCRIPTION WAS FILLED UPON THE ORAL PRESCRIPTION OF  
21 A PRACTITIONER. A PRESCRIPTION FOR A CONTROLLED SUBSTANCE THAT IS  
22 PARTIALLY FILLED UNDER THIS SUBDIVISION MUST NOT BE FILLED MORE  
23 THAN 72 HOURS AFTER THE FIRST PARTIAL FILLING. A PHARMACIST WHO  
24 PARTIALLY FILLS A PRESCRIPTION UNDER THIS SUBDIVISION SHALL RECORD  
25 THE QUANTITY DISPENSED ON THE PRESCRIPTION AND SHALL MAINTAIN THAT  
26 DOCUMENTATION WITH THE PRESCRIPTION AS REQUIRED IN SECTION 17752.

27 (C) THE PRESCRIPTION IS FOR A TERMINALLY ILL PATIENT WHOSE

1    TERMINAL ILLNESS THE PHARMACIST DOCUMENTS PURSUANT TO RULES  
2    PROMULGATED BY THE ADMINISTRATOR. A PRESCRIPTION FOR A CONTROLLED  
3    SUBSTANCE INCLUDED IN SCHEDULE 2 THAT IS PARTIALLY FILLED UNDER  
4    THIS SUBDIVISION MUST NOT BE FILLED MORE THAN 60 DAYS AFTER THE  
5    DATE ON WHICH THE PRESCRIPTION WAS ISSUED.

6           (4) A practitioner, in good faith, may dispense a controlled  
7    substance included in schedule 3, 4, or 5 that is a prescription  
8    drug as determined under section 503(b) of the federal food, drug,  
9    and cosmetic act, 21 USC 353, or section 17708, upon receipt of a  
10   prescription on a prescription form or an oral prescription of a  
11   practitioner. A prescription for a controlled substance included in  
12   schedule 3 or 4 ~~shall~~**MUST** not be filled or refilled without  
13   specific refill instructions noted by the prescriber. A  
14   prescription for a controlled substance included in schedule 3 or 4  
15   ~~shall~~**MUST** not be filled or refilled later than 6 months after the  
16   date of the prescription or be refilled more than 5 times, unless  
17   renewed by the prescriber in accordance with rules promulgated by  
18   the administrator.

19           (5) A controlled substance included in schedule 5 ~~shall~~**MUST**  
20   not be distributed or dispensed other than for a medical purpose,  
21   or in any manner except in accordance with rules promulgated by the  
22   administrator.

23           (6) If a prescription is required under this section, the  
24   prescription ~~shall~~**MUST** contain the quantity of the controlled  
25   substance prescribed in both written and numerical terms. A  
26   prescription is in compliance with this subsection if, in addition  
27   to containing the quantity of the controlled substance prescribed

1 in written terms, it contains preprinted numbers representative of  
2 the quantity of the controlled substance prescribed next to which  
3 is a box or line the prescriber may check.

4 (7) A prescribing practitioner shall not use a prescription  
5 form for a purpose other than prescribing. A prescribing  
6 practitioner shall not postdate a prescription form that contains a  
7 prescription for a controlled substance. A prescriber may transmit  
8 a prescription by facsimile of a printed prescription form and by  
9 electronic transmission of a printed prescription form, if not  
10 prohibited by federal law. If, with the patient's consent, a  
11 prescription is electronically transmitted, it ~~shall~~**MUST** be  
12 transmitted directly to a pharmacy of the patient's choice by the  
13 prescriber or the prescriber's authorized agent, and the data ~~shall~~  
14 **MUST** not be altered, modified, or extracted in the transmission  
15 process.

16 (8) Notwithstanding subsections (1) to (5), an animal control  
17 shelter or animal protection shelter registered with the department  
18 of agriculture **AND RURAL DEVELOPMENT** pursuant to 1969 PA 287, MCL  
19 287.331 to 287.340, or a class B dealer may acquire a limited  
20 permit only for the purpose of buying, possessing, and  
21 administering a commercially prepared, premixed solution of sodium  
22 pentobarbital to practice euthanasia on injured, sick, homeless, or  
23 unwanted domestic pets and other animals, if the animal control  
24 shelter or animal protection shelter or class B dealer does all of  
25 the following:

26 (a) Applies to the administrator for a permit in accordance  
27 with rules promulgated under this part. The application ~~shall~~**MUST**

1 contain the name of the individual in charge of the ~~day-to-day~~ **DAY-**  
2 **TO-DAY** operations of the animal control shelter or animal  
3 protection shelter or class B dealer's facilities and the name of  
4 the individual responsible for designating employees who will be  
5 practicing 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 practice euthanasia on  
9 animals. A record of use ~~shall~~ **MUST** be maintained and ~~shall~~ **MUST** be  
10 available for inspection.

11 (c) Certifies that an employee of the animal control shelter  
12 or animal protection shelter or class B dealer has received, and  
13 can document completion of, a minimum of 8 hours of training given  
14 by a licensed veterinarian in the use of sodium pentobarbital to  
15 practice euthanasia on animals pursuant to rules promulgated by the  
16 administrator, in consultation with the Michigan board of  
17 veterinary medicine as these rules relate to this training, and  
18 that only an individual described in this subdivision or an  
19 individual otherwise permitted to use a controlled substance  
20 pursuant to this article will administer the commercially prepared,  
21 premixed solution of sodium pentobarbital according to written  
22 procedures established by the animal control shelter or animal  
23 protection shelter or class B dealer.

24 (9) The application described in subsection (8) ~~shall~~ **MUST**  
25 include the names and addresses of all individuals employed by the  
26 animal control shelter or animal protection shelter or class B  
27 dealer who have been trained as described in subsection (8)(c) and

1 the name of the veterinarian who trained them. The list of names  
2 and addresses ~~shall~~**MUST** be updated every 6 months.

3 (10) If an animal control shelter or animal protection shelter  
4 or class B dealer issued a permit pursuant to subsection (8) does  
5 not have in its employ an individual trained as described in  
6 subsection (8)(c), the animal control shelter or animal protection  
7 shelter or class B dealer shall immediately notify the  
8 administrator and shall cease to administer any commercially  
9 prepared, premixed solution of sodium pentobarbital until the  
10 administrator is notified that 1 of the following has occurred:

11 (a) An individual trained as described in subsection (8)(c)  
12 has been hired by the animal control shelter or animal protection  
13 shelter or class B dealer.

14 (b) An employee of the animal control shelter or animal  
15 protection shelter or class B dealer has been trained as described  
16 in subsection (8)(c).

17 (11) A veterinarian, including a veterinarian who trains  
18 individuals as described in subsection (8)(c), is not civilly or  
19 criminally liable for the use of a commercially prepared, premixed  
20 solution of sodium pentobarbital by an animal control shelter or  
21 animal protection shelter or class B dealer unless the veterinarian  
22 is employed by or under contract with the animal control shelter or  
23 animal protection shelter or class B dealer and the terms of the  
24 veterinarian's employment or the contract require the veterinarian  
25 to be responsible for the use or administration of the commercially  
26 prepared, premixed solution of sodium pentobarbital.

27 (12) A person shall not knowingly use or permit the use of a

1 commercially prepared, premixed solution of sodium pentobarbital in  
2 violation of this section.

3 (13) This section does not require that a veterinarian be  
4 employed by or under contract with an animal control shelter or  
5 animal protection shelter or class B dealer to obtain, possess, or  
6 administer a commercially prepared, premixed solution of sodium  
7 pentobarbital pursuant to this section.

8 (14) Notwithstanding subsections (1) to (5), an animal control  
9 shelter registered with the department of agriculture **AND RURAL**  
10 **DEVELOPMENT** pursuant to 1969 PA 287, MCL 287.331 to 287.340, may  
11 acquire a limited permit only for the purpose of buying,  
12 possessing, and administering a commercially prepared solution of  
13 an animal tranquilizer to sedate a feral, wild, difficult to  
14 handle, or other animal for euthanasia, or to tranquilize an animal  
15 running at large that is dangerous or difficult to capture, if the  
16 animal control shelter does all of the following:

17 (a) Applies to the administrator for a permit in accordance  
18 with the rules promulgated under this part. The application ~~shall~~  
19 **MUST** contain the name of the individual in charge of the ~~day-to-day~~  
20 **DAY-TO-DAY** operations of the animal control shelter and the name of  
21 the individual responsible for designating employees who will be  
22 administering an animal tranquilizer pursuant to this act.

23 (b) Complies with the rules promulgated by the administrator  
24 for the storage, handling, and use of a commercially prepared  
25 solution of an animal tranquilizer. A record of use ~~shall~~**MUST** be  
26 maintained and ~~shall~~**MUST** be available for inspection by the  
27 department of agriculture **AND RURAL DEVELOPMENT**.



1 (c) Certifies that an employee of the animal control shelter  
2 has received, and can document completion of, a minimum of 16 hours  
3 of training, including at least 3 hours of practical training, in  
4 the use of animal tranquilizers on animals from a training program  
5 approved by the state veterinarian, in consultation with the  
6 Michigan board of veterinary medicine, and given by a licensed  
7 veterinarian pursuant to rules promulgated by the administrator, in  
8 consultation with the Michigan board of veterinary medicine as  
9 these rules relate to this training, and that only an individual  
10 described in this subdivision or an individual otherwise permitted  
11 to use a controlled substance pursuant to this article will  
12 administer the commercially prepared solution of an animal  
13 tranquilizer according to written procedures established by the  
14 animal control shelter.

15 (15) Notwithstanding subsections (1) to (5), an animal  
16 protection shelter registered with the department of agriculture  
17 **AND RURAL DEVELOPMENT** pursuant to 1969 PA 287, MCL 287.331 to  
18 287.340, may acquire a limited permit only for the purpose of  
19 buying, possessing, and administering a commercially prepared  
20 solution of an animal tranquilizer to sedate a feral, wild,  
21 difficult to handle, or other animal for euthanasia, if the animal  
22 protection shelter does all of the following:

23 (a) Applies to the administrator for a permit in accordance  
24 with the rules promulgated under this part. The application ~~shall~~  
25 **MUST** contain the name of the individual in charge of the ~~day-to-day~~  
26 **DAY-TO-DAY** operations of the animal protection shelter and the name  
27 of the individual responsible for designating employees who will be

1 administering an animal tranquilizer pursuant to this act.

2 (b) Complies with the rules promulgated by the administrator  
3 for the storage, handling, and use of a commercially prepared  
4 solution of an animal tranquilizer. A record of use ~~shall~~**MUST** be  
5 maintained and ~~shall~~**MUST** be available for inspection by the  
6 department of agriculture **AND RURAL DEVELOPMENT**.

7 (c) Certifies that an employee of the animal protection  
8 shelter has received, and can document completion of, a minimum of  
9 16 hours of training, including at least 3 hours of practical  
10 training, in the use of animal tranquilizers on animals from a  
11 training program approved by the state veterinarian, in  
12 consultation with the Michigan board of veterinary medicine, and  
13 given by a licensed veterinarian pursuant to rules promulgated by  
14 the administrator, in consultation with the Michigan board of  
15 veterinary medicine as these rules relate to this training, and  
16 that only an individual described in this subdivision or an  
17 individual otherwise permitted to use a controlled substance  
18 pursuant to this article will administer the commercially prepared  
19 solution of an animal tranquilizer according to written procedures  
20 established by the animal protection shelter.

21 (16) The application described in subsection (14) or (15)  
22 ~~shall~~**MUST** include the names and business addresses of all  
23 individuals employed by the animal control shelter or animal  
24 protection shelter who have been trained as described in subsection  
25 (14)(c) or (15)(c) and ~~shall~~**MUST** include documented proof of the  
26 training. The list of names and business addresses ~~shall~~**MUST** be  
27 updated every 6 months.

1           (17) If an animal control shelter or animal protection shelter  
2 issued a permit pursuant to subsection (14) or (15) does not have  
3 in its employ an individual trained as described in subsection  
4 (14)(c) or (15)(c), the animal control shelter or animal protection  
5 shelter shall immediately notify the administrator and shall cease  
6 to administer any commercially prepared solution of an animal  
7 tranquilizer until the administrator is notified that 1 of the  
8 following has occurred:

9           (a) An individual trained as described in subsection (14)(c)  
10 or (15)(c) has been hired by the animal control shelter or animal  
11 protection shelter.

12           (b) An employee of the animal control shelter or animal  
13 protection shelter has been trained as described in subsection  
14 (14)(c) or (15)(c).

15           (18) A veterinarian, including a veterinarian who trains  
16 individuals as described in subsection (14)(c) or (15)(c), is not  
17 civilly or criminally liable for the use of an animal tranquilizer  
18 by an animal control shelter or animal protection shelter unless  
19 the veterinarian is employed by or under contract with the animal  
20 control shelter or animal protection shelter and the terms of the  
21 veterinarian's employment or the contract require the veterinarian  
22 to be responsible for the use or administration of the commercially  
23 prepared solution of an animal tranquilizer.

24           (19) A person shall not knowingly use or permit the use of an  
25 animal tranquilizer in violation of this section.

26           (20) This section does not require that a veterinarian be  
27 employed by or under contract with an animal control shelter or

1 animal protection shelter to obtain, possess, or administer a  
2 commercially prepared solution of an animal tranquilizer pursuant  
3 to this section.

4 (21) As used in this section:

5 (a) "Animal tranquilizer" means xylazine hydrochloride or  
6 other animal tranquilizing drug as approved by the United States  
7 ~~food and drug administration~~ **FOOD AND DRUG ADMINISTRATION** and by  
8 the state department of agriculture **AND RURAL DEVELOPMENT** for use  
9 as described in this section.

10 (b) "Class B dealer" means a class B dealer licensed by the  
11 United States ~~department of agriculture~~ **DEPARTMENT OF AGRICULTURE**  
12 pursuant to the animal welfare act, 7 USC 2131 to 2159 and the  
13 department of agriculture **AND RURAL DEVELOPMENT** pursuant to 1969 PA  
14 224, MCL 287.381 to 287.395.

15 **SEC. 7333B. (1) BEGINNING JULY 1, 2018, IF A PRESCRIBER IS**  
16 **TREATING A PATIENT FOR ACUTE PAIN, THE PRESCRIBER SHALL NOT**  
17 **PRESCRIBE THE PATIENT MORE THAN A 7-DAY SUPPLY OF AN OPIOID WITHIN**  
18 **A 7-DAY PERIOD.**

19 (2) AS USED IN THIS SECTION, "ACUTE PAIN" MEANS PAIN THAT IS  
20 THE NORMAL, PREDICTED PHYSIOLOGICAL RESPONSE TO A NOXIOUS CHEMICAL  
21 OR A THERMAL OR MECHANICAL STIMULUS AND IS TYPICALLY ASSOCIATED  
22 WITH INVASIVE PROCEDURES, TRAUMA, AND DISEASE AND USUALLY LASTS FOR  
23 A LIMITED AMOUNT OF TIME.

24 Sec. 17744e. (1) Notwithstanding any provision of this act to  
25 the contrary, the chief medical executive in the office of chief  
26 medical executive created within the department of health and human  
27 services may issue a standing order that does not identify

1 particular patients at the time it is issued for the purpose of a  
2 pharmacist dispensing opioid antagonists to individuals under this  
3 section.

4 (2) Notwithstanding any provision of this act to the contrary,  
5 a pharmacist may dispense an opioid antagonist to any individual  
6 pursuant to a standing order issued by the chief medical executive  
7 under subsection (1) and the rules promulgated under this section.

8 (3) The chief medical executive who issues a standing order  
9 for an opioid antagonist under this section or a pharmacist who  
10 dispenses an opioid antagonist as authorized under this section is  
11 not liable in a civil action for damages resulting from the  
12 dispensing of the opioid antagonist or the administration of or  
13 failure to administer the opioid antagonist.

14 (4) **A PHARMACY ENGAGED IN THE BUSINESS OF SELLING DRUGS AT**  
15 **RETAIL SHALL ENSURE THAT EACH INDIVIDUAL WHO FILLS A PRESCRIPTION**  
16 **AT THE PHARMACY IS INFORMED, AT THE TIME OF SALE, THAT THE**  
17 **INDIVIDUAL IS ELIGIBLE TO RECEIVE AN OPIOID ANTAGONIST PURSUANT TO**  
18 **A STANDING ORDER ISSUED BY THE CHIEF MEDICAL EXECUTIVE UNDER**  
19 **SUBSECTION (1).**

20 (5) ~~(4)~~—The department, in consultation with the department of  
21 health and human services and local health departments, shall  
22 promulgate rules regarding dispensing, training, and referral to  
23 implement this section.

24 Sec. 17763. In addition to the grounds set forth in part 161,  
25 the disciplinary subcommittee may fine, reprimand, or place a  
26 pharmacist licensee on probation, or deny, limit, suspend, or  
27 revoke the license of a pharmacist or order restitution or

1 community service for a violation or abetting in a violation of  
2 this part or rules promulgated under this part, or for 1 or more of  
3 the following grounds:

4 (a) Permitting the dispensing of prescriptions by an  
5 individual who is not a pharmacist, pharmacist intern, or  
6 dispensing prescriber.

7 (b) Permitting the dispensing of prescriptions by a pharmacist  
8 intern, except in the presence and under the personal charge of a  
9 pharmacist.

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

13 (d) ~~Promoting~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 17744E,**  
14 **PROMOTING** a prescription drug to the public in any manner.

15 (e) In addition to the prohibition contained in section  
16 7405(1)(e), dispensing a prescription for a controlled substance ~~as~~  
17 ~~defined in section 7104~~ that is written and signed; written or  
18 created in an electronic format, signed, and transmitted by  
19 facsimile; or transmitted electronically or by other means of  
20 communication by a physician prescriber, dentist prescriber, or  
21 veterinarian prescriber in another state, unless the prescription  
22 is issued by a physician prescriber, dentist prescriber, or  
23 veterinarian prescriber who is authorized under the laws of that  
24 state to practice dentistry, medicine, osteopathic medicine and  
25 surgery, or veterinary medicine and to prescribe controlled  
26 substances.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.