

# SENATE BILL No. 398

July 11, 1991, Introduced by Senator SCHWARZ and referred to the Committee on Health Policy.

A bill to amend sections 7333 and 17766b of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 7333 as amended and section 17766b as added by Act No. 30 of the Public Acts of 1990, being sections 333.7333 and 333.17766b of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 7333 and 17766b of Act No. 368 of the  
2 Public Acts of 1978, section 7333 as amended and section 17766b  
3 as added by Act No. 30 of the Public Acts of 1990, being sections  
4 333.7333 and 333.17766b of the Michigan Compiled Laws, are  
5 amended to read as follows:

6       Sec. 7333. (1) Except as otherwise provided in this section  
7 AND SECTION 17766B, a controlled substance included in schedule 2  
8 or an androgenic anabolic steroid as defined in section 17766a

1 shall not be dispensed without the written prescription of a  
2 practitioner licensed under section 7303 on an official prescrip-  
3 tion form.

4       (2) In an emergency situation, as defined by rule of the  
5 administrator, a controlled substance included in schedule 2 or  
6 an androgenic anabolic steroid may be dispensed upon oral pre-  
7 scription of a practitioner — if, EXCEPT AS OTHERWISE PROVIDED  
8 IN THIS SECTION AND SECTION 17766B, the prescribing practitioner  
9 promptly fills out an official prescription form and forwards the  
10 first and second copies of the official prescription form to the  
11 dispensing pharmacy within 72 hours after the oral prescription  
12 is issued, in compliance with section 7334(6). A prescription  
13 for AN ANDROGENIC ANABOLIC STEROID OTHER THAN METHYLTESTOSTERONE  
14 OR TESTOSTERONE, ALONE, OR IN COMBINATION WITH ANY OTHER DRUG FOR  
15 WHICH AN OFFICIAL PRESCRIPTION FORM IS NOT REQUIRED OR FOR a con-  
16 trolled substance included in schedule 2 ~~—or an androgenic ana-~~  
17 ~~bolie steroid~~ shall not be refilled. A prescription for AN  
18 ANDROGENIC ANABOLIC STEROID OTHER THAN METHYLTESTOSTERONE OR TES-  
19 TOSTERONE, ALONE, OR IN COMBINATION WITH ANY OTHER DRUG FOR WHICH  
20 AN OFFICIAL PRESCRIPTION FORM IS NOT REQUIRED OR FOR a controlled  
21 substance included in schedule 2 ~~—or an androgenic anabolic~~  
22 ~~steroid~~ shall not be filled more than 3 days after the date on  
23 which the prescription was issued.

24       (3) The following are not required to be on an official pre-  
25 scription form:

26       (a) A controlled substance included in schedule 2 or an  
27 androgenic anabolic steroid that is ordered for and administered

1 to a patient in a hospital licensed by the department of public  
2 health or the department of mental health.

3 (b) A controlled substance included in schedule 2 or an  
4 androgenic anabolic steroid that is ordered for and administered  
5 to a patient on the premises of a licensed health facility or  
6 agency other than a hospital or in the private practice office of  
7 a licensed physician, dentist, or podiatrist.

8 (c) A controlled substance included in schedule 2 or an  
9 androgenic anabolic steroid that is administered to an animal by  
10 a licensed veterinarian in a veterinarian's office, animal  
11 clinic, animal hospital, zoo, or on the premises of the animal's  
12 domicile, and a commercially prepared, premixed solution of  
13 sodium pentobarbital administered to an animal for the purpose of  
14 euthanasia.

15 (d) A prescription issued by a practitioner residing adja-  
16 cent to the land border between this state and an adjoining state  
17 who is authorized under the laws of that state to practice a  
18 health profession and whose practice may extend into this state,  
19 but who does not maintain an office or designate a place to meet  
20 patients or receive calls in this state.

21 (E) A PRESCRIPTION FOR METHYLTESTOSTERONE OR TESTOSTERONE,  
22 ALONE, OR IN COMBINATION WITH ANY OTHER DRUG FOR WHICH AN OFFI-  
23 CIAL PRESCRIPTION FORM IS NOT REQUIRED.

24 (4) Except if dispensed directly by a practitioner, other  
25 than a pharmacist, to an ultimate user, a controlled substance  
26 included in schedule 3 or 4 that is a prescription drug as  
27 determined under section 503(b) of the federal food, drug, and

1 cosmetic act, chapter 675, 52 Stat. 1040, 21 U.S.C. 353 or  
2 section 17708, shall not be dispensed without a written or oral  
3 prescription of a practitioner. The prescription shall not be  
4 filled or refilled without specific refill instructions noted by  
5 the prescriber. The prescription shall not be filled or refilled  
6 later than 6 months after the date of the prescription or be  
7 refilled more than 5 times, unless renewed by the practitioner in  
8 accordance with rules promulgated by the administrator.

9 (5) A controlled substance included in schedule 5 shall not  
10 be distributed or dispensed other than for a medical purpose,  
11 ~~nor~~ OR in any manner except in accordance with rules promul-  
12 gated by the administrator.

13 (6) If a written prescription is required under this sec-  
14 tion, the written prescription shall contain the quantity of the  
15 controlled substance or androgenic anabolic steroid prescribed in  
16 both written and numerical terms. A written prescription shall  
17 be in compliance with this subsection if, in addition to contain-  
18 ing the quantity of the controlled substance or androgenic ana-  
19 bolic steroid prescribed in written terms, it contains preprinted  
20 numbers, representative of the quantity of the controlled sub-  
21 stance or an androgenic anabolic steroid prescribed, next to  
22 which is a box or line which may be checked by the prescriber.

23 (7) A prescribing practitioner shall not use a prescription  
24 form for a purpose other than prescribing. A prescribing practi-  
25 tioner shall not postdate an official prescription form. A pre-  
26 scribing practitioner shall not sign an official prescription

1 form on a day other than the day on which the prescription is  
2 issued.

3 (8) Notwithstanding subsections (1) to (7), a dog pound or  
4 animal shelter licensed or registered by the department of agri-  
5 culture pursuant to Act No. 287 of the Public Acts of 1969, being  
6 sections 287.331 to 287.340 of the Michigan Compiled Laws, may  
7 acquire a limited permit only for the purpose of buying, possess-  
8 ing, and administering a commercially prepared, premixed solution  
9 of sodium pentobarbital to practice euthanasia on injured, sick,  
10 homeless, or unwanted domestic pets and other animals, if the dog  
11 pound or animal shelter does all of the following:

12 (a) Applies to the administrator for a permit in accordance  
13 with rules promulgated under this part. The application shall  
14 contain the name of the individual in charge of the day to day  
15 operations of the dog pound or animal shelter and the name of the  
16 individual responsible for designating employees who will be  
17 practicing euthanasia on animals pursuant to this act.

18 (b) Complies with the rules promulgated by the administrator  
19 for the storage, handling, and use of commercially prepared, pre-  
20 mixed solution of sodium pentobarbital to practice euthanasia on  
21 animals. A record of use shall be maintained and shall be avail-  
22 able for inspection.

23 (c) Certifies that an employee of the dog pound or animal  
24 shelter has received, and can document completion of, a minimum  
25 of 8 hours of training given by a licensed veterinarian in the  
26 use of sodium pentobarbital to practice euthanasia on animals  
27 pursuant to rules promulgated by the administrator in

1 consultation with the board of veterinary medicine as these rules  
2 relate to this training, and that only an individual described in  
3 this subdivision, or an individual otherwise permitted to use a  
4 controlled substance pursuant to this article, will administer  
5 the commercially prepared, premixed solution of sodium pentobar-  
6 bital according to written procedures established by the dog  
7 pound or animal shelter.

8       (9) The application described in subsection (8) shall  
9 include the names and addresses of all individuals employed by  
10 the dog pound or animal shelter who have been trained as  
11 described in subsection (8)(c), and the name of the veterinarian  
12 who trained them. The list of names and addresses shall be  
13 updated every 6 months.

14       (10) If a dog pound or animal shelter issued a permit pursu-  
15 ant to subsection (8) does not have in its employ an individual  
16 trained as described in subsection (8)(c), the dog pound or  
17 animal shelter shall immediately notify the administrator, and  
18 shall cease to administer any commercially prepared, premixed  
19 solution of sodium pentobarbital until the administrator is noti-  
20 fied that 1 of the following has occurred:

21       (a) An individual trained as described in subsection (8)(c)  
22 has been hired by the dog pound or animal shelter.

23       (b) An employee of the dog pound or animal shelter has been  
24 trained as described in subsection (8)(c).

25       (11) A veterinarian, including a veterinarian who trains  
26 individuals as described in subsection (8)(c), shall not be  
27 civilly or criminally liable for the use of a commercially

1 prepared, premixed solution of sodium pentobarbital by a dog  
2 pound or animal shelter unless the veterinarian is employed by or  
3 under contract with the dog pound or animal shelter, and the  
4 terms of the veterinarian's employment or the contract require  
5 the veterinarian to be responsible for the use or administration  
6 of the commercially prepared, premixed solution of sodium  
7 pentobarbital.

8 (12) A person shall not knowingly use or permit the use of a  
9 commercially prepared, premixed solution of sodium pentobarbital  
10 in violation of this section.

11 (13) This section shall not be construed to require that a  
12 veterinarian be employed by or under contract with a dog pound or  
13 animal shelter in order to obtain, possess, or administer a com-  
14 mercially prepared, premixed solution of sodium pentobarbital  
15 pursuant to this section.

16 Sec. 17766b. (1) ~~—A—~~ EXCEPT AS PROVIDED IN SUBSECTION (2),  
17 A prescription for an androgenic anabolic steroid shall be  
18 recorded on an official prescription form as defined in  
19 section 7107(2) in the same manner that a prescription for a con-  
20 trolled substance included in schedule 2 is required to be  
21 recorded under section 7334.

22 (2) A PRESCRIPTION FOR METHYLTESTOSTERONE OR TESTOSTERONE,  
23 ALONE, OR IN COMBINATION WITH ANY OTHER DRUG FOR WHICH AN OFFI-  
24 CIAL PRESCRIPTION FORM IS NOT REQUIRED SHALL BE RECORDED ON A  
25 PRESCRIPTION FORM AS DEFINED IN SECTION 7109(4).

26 (3) ~~—(2)—~~ As used in this section, "androgenic anabolic  
27 steroid" means that term as defined in section 17766a.