Act No. 138
Public Acts of 1993
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STATE OF MICHIGAN
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REGULAR SESSION OF 1993

Introduced by Reps. Gire, Ciaramitaro, Schroer, Curtis, Bryant, Berman, Llewellyn, DeMars, Saunders, Brown, Stallworth, Joe Young, Jr., Murphy, Pitoniak, Harder and Anthony
Reps. Allen, Bankes, Barns, Bobier, Bodem, Brackenridge, Bullard, Clack, Crissman, Dobb, Dobronski, Gagliardi, Gilmer, Gnodtke, Goschka, Gubow, Gustafson, Hammerstrom, Jaye, Jersevic, Johnson, Keith, London, Martin, McBryde, Middaugh, Olshove, Points, Porreca, Profit, Rivers, Rocca, Scott, Shugars, Sikkema, Stille, Varga, Voorhees, Vorva, Wallace, Wetters and Yokich named co-sponsors

ENROLLED HOUSE BILL No. 4117

AN ACT to amend sections 7111, 7112, 7113, 7333, 7334, and 17521 of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," sections 7111, 7112, and 7113 as added by Act No. 60 of the Public Acts of 1988, section 7333 as amended by Act No. 186 of the Public Acts of 1991, section 7334 as amended by Act No. 140 of the Public Acts of 1989, and section 17521 as amended by Act No. 79 of the Public Acts of 1993, being sections 333.7111, 333.7112, 333.7113, 333.7333, 333.7334, and 333.17521 of the Michigan Compiled Laws; to add sections 16315 and 16319; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. Sections 7111, 7112, 7113, 7333, 7334, and 17521 of Act No. 368 of the Public Acts of 1978, sections 7111, 7112, and 7113 as added by Act No. 60 of the Public Acts of 1988, section 7333 as amended by Act No. 186 of the Public Acts of 1991, section 7334 as amended by Act No. 140 of the Public Acts of 1989, and section 17521 as amended by Act No. 79 of the Public Acts of 1993, being sections 333.7111, 333.7112, 333.7113, 333.7333, 333.7334, and 333.17521 of the Michigan Compiled Laws, are amended and sections 16315 and 16319 are added to read as follows:

Sec. 7111. (1) The controlled substances advisory commission in the department of commerce shall consist of the following 13 voting members appointed by the governor with the advice and consent of the senate:

(a) One health care professional from each of the following boards created in article 15:

(*i*) The Michigan board of medicine.

(*ii*) The Michigan board of osteopathic medicine and surgery.

(*iii*) The Michigan board of pharmacy.

(*iv*) The Michigan board of podiatric medicine and surgery.

(*v*) The Michigan board of dentistry.

(*vi*) The Michigan board of veterinary medicine.

(*vii*) The Michigan board of nursing.

(b) One licensed health care professional from the field of psychiatry.

(c) One licensed health care professional from the field of pharmacology.

(d) Three public members, 1 of whom shall serve as chairperson.

(e) One member representing pharmaceutical manufacturers.

(2) The director of the department of state police, director of commerce, director of public health, director of social services, superintendent of public instruction, and the attorney general, or their official designees, and the drug control administrator from within the department of commerce, who shall serve as secretary to the controlled substances advisory commission, are ex officio members without votes, but are not members for determining a quorum. The department of commerce, in consultation with the Michigan board of pharmacy, shall appoint an individual who is a licensed pharmacist to serve as the drug control administrator for purposes of this section.

Sec. 7112. (1) Members of the controlled substances advisory commission shall receive per diem compensation as established annually by the legislature and shall be reimbursed for expenses incurred pursuant to section 1216.

(2) The members of the controlled substances advisory commission shall serve for terms of 2 years. An individual shall not serve more than 2 terms and a partial term, consecutive or otherwise. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(3) The controlled substances advisory commission shall meet at least once each 3 months and shall report on its activities and make recommendations as described in section 7113 to the administrator, the governor, and the legislature at least annually.

Sec. 7113. (1) The controlled substances advisory commission shall monitor indicators of controlled substance abuse and diversion. If that data shows that Michigan exceeds the average national per capita consumption of a controlled substance, the controlled substances advisory commission shall investigate and determine if there is a legitimate reason for the excess consumption. If the controlled substances advisory commission determines there is not a legitimate reason for the excess consumption, the controlled substances advisory commission shall recommend to the administrator a plan of action to overcome the problem. The controlled substances advisory commission may also recommend action to the administrator if other indicators show that a special problem is developing with any controlled substance available by prescription.

(2) The controlled substances advisory commission shall publicly issue an annual report to the administrator, the governor, and the legislature on the current status of the abuse and diversion of controlled substances in this state. The report shall also identify existing efforts to overcome the abuse and diversion of controlled substances in this state and make recommendations for needed legislative, administrative, and interagency activities.

(3) The controlled substances advisory commission may include in the report required by subsection (2) recommendations for action that involve licensing, law enforcement, substance abuse treatment and prevention, education, professional associations, pharmaceutical manufacturers, and other relevant individuals and agencies.

(4) By December 31, 1993, the department of commerce, in consultation with the Michigan pharmacists association, shall establish a standardized data base format consistent with the standards of the national council for prescription drug programs that may be used by dispensing pharmacies or a practitioner described in section 7334(2) to transmit the prescription-related information required under section 7334 to the department of commerce electronically or on storage media including, but not limited to, disks, tapes, and cassettes. The controlled substances advisory commission shall approve or revise the standardized data base format within 3 months after the department of commerce establishes the format. Upon commission approval or revision, the department of commerce shall implement transmission of information under the format and prescription-related information required under section 7334 may be transmitted to the department of commerce electronically or on storage media.

Sec. 7333. (1) Except as otherwise provided in this section and section 17766b, a controlled substance included in schedule 2 or an androgenic anabolic steroid as defined in section 17766a shall not be dispensed without the written prescription of a practitioner licensed under section 7303 on an official prescription form.

(2) In an emergency situation, as defined by rule of the administrator, a controlled substance included in schedule 2 or an androgenic anabolic steroid may be dispensed upon oral prescription of a practitioner if, except as otherwise provided in this section and section 17766b, the prescribing practitioner promptly fills out an official prescription form and, until January 1, 1995, forwards the first and second copies of the official prescription form or, beginning January 1, 1995, forwards the official prescription form to the dispensing pharmacy within 72 hours after the oral prescription is issued, in compliance with section 7334(6). A prescription for an androgenic anabolic steroid other than methyltestosterone, testosterone, or fluoxymensterone, whether that methyltestosterone, testosterone, or fluoxymensterone is prescribed alone or in combination with any other drug for which an official prescription form is not required, or for a controlled substance included in schedule 2 shall not be refilled. Except for a terminally ill patient whose terminal illness the pharmacist documents pursuant to rules promulgated by the administrator, a prescription for an androgenic anabolic steroid other than methyltestosterone, testosterone, or fluoxymensterone, whether that methyltestosterone, testosterone, or fluoxymensterone is prescribed alone or in combination with any other drug for which an official prescription form is not required, or for a controlled substance included in schedule 2 shall not be filled more than 5 days after the date on which the prescription was issued. A prescription for a controlled substance included in schedule 2 for a terminally ill patient whose terminal illness the pharmacist documents pursuant to rules promulgated by the administrator may be partially filled in increments for not more than 60 days after the date on which the prescription was issued.

(3) The following are not required to be on an official prescription form:

(a) A controlled substance included in schedule 2 or an androgenic anabolic steroid that is ordered for and administered to a patient in a hospital licensed by the department of public health or the department of mental health. An off-site pharmacy receiving a prescriber's order pursuant to this subdivision shall record the order as required by section 17708(3) and shall retain that record as if it were an official prescription form.

(b) A controlled substance included in schedule 2 or an androgenic anabolic steroid that is ordered for and administered to a patient on the premises of a licensed health facility or agency other than a hospital. An off-site pharmacy receiving a prescriber's order pursuant to this subdivision shall record the order as required by section 17708(3) and shall retain that record as if it were an official prescription form.

(c) A controlled substance included in schedule 2 or an androgenic anabolic steroid that is administered to a patient in the private practice office of a licensed physician, dentist, or podiatrist.

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

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

(f) A prescription for methyltestosterone, testosterone, or fluoxymensterone, alone or in combination with any other drug for which an official prescription form is not required.

(g) A controlled substance described in section 7214(c)(*iv*).

(4) Unless dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, a controlled substance included in schedule 3 or 4 that is a prescription drug as determined under section 503(b) of the federal food, drug, and cosmetic act, chapter 675, 52 Stat. 1040, 21 U.S.C. 353 or section 17708, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled without specific refill instructions noted by the prescriber. The prescription shall not be filled or refilled later than 6 months after the date of the prescription or be refilled more than 5 times, unless renewed by the practitioner in accordance with rules promulgated by the administrator.

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

(6) If a written prescription is required under this section, the written prescription shall contain the quantity of the controlled substance or androgenic anabolic steroid prescribed in both written and numerical terms. A written prescription is in compliance with this subsection if, in addition to containing the quantity of the controlled substance or androgenic anabolic steroid prescribed in written terms, it contains preprinted numbers representative of the quantity of the controlled substance or an androgenic anabolic steroid prescribed next to which is a box or line the prescriber may check.

(7) A prescribing practitioner shall not use a prescription form for a purpose other than prescribing. A prescribing practitioner shall not postdate an official prescription form. A prescribing practitioner shall not sign an official prescription form on a day other than the day the prescription is issued.

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

(a) Applies to the administrator for a permit in accordance with rules promulgated under this part. The application shall contain the name of the individual in charge of the day to day operations of the dog pound or animal shelter or class B dealer's facilities and the name of the individual responsible for designating employees who will be practicing euthanasia on animals pursuant to this act.

(b) Complies with the rules promulgated by the administrator for the storage, handling, and use of commercially prepared, premixed solution of sodium pentobarbital to practice euthanasia on animals. A record of use shall be maintained and shall be available for inspection.

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

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

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

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

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

(11) A veterinarian, including a veterinarian who trains individuals as described in subsection (8)(c), is not civilly or criminally liable for the use of a commercially prepared, premixed solution of sodium pentobarbital by a dog pound or animal shelter or class B dealer unless the veterinarian is employed by or under contract with the dog pound or animal shelter or class B dealer and the terms of the veterinarian's employment or the contract require the veterinarian to be responsible for the use or administration of the commercially prepared, premixed solution of sodium pentobarbital.

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

(13) This section does not require that a veterinarian be employed by or under contract with a dog pound or animal shelter or class B dealer to obtain, possess, or administer a commercially prepared, premixed solution of sodium pentobarbital pursuant to this section.

(14) As used in this section, "class B dealer" means a class B dealer licensed by the United States department of agriculture pursuant to the animal welfare act, Public Law 89-544, 7 U.S.C. 2131 to 2147, 2149, and 2151 to 2159 and the department of agriculture pursuant to Act No. 224 of the Public Acts of 1969, being sections 287.381 to 287.395 of the Michigan Compiled Laws.

Sec. 7334. (1) A prescription for a controlled substance included in schedule 2 shall be recorded on an official prescription form that meets the requirements of subsection (3) and is issued to practitioners by the department of commerce. Except as otherwise provided in subsection (2), not more than 1 prescription shall be recorded on each form. The department of commerce shall issue the official prescription forms to practitioners free of charge.

(2) A practitioner employed by or under contract to a substance abuse treatment program licensed under part 62 to treat opiate addiction with the drug methadone shall do all of the following:

(a) On the first working day of each month, complete an official prescription form for the entire program indicating the total amount of methadone administered or dispensed and the total number of patients who received the methadone during the previous month.

(b) Comply with federal law regarding the confidentiality of client information.

(c) Until January 1, 1995, forward copy 1 of the official prescription form or, beginning January 1, 1995, forward the official prescription form, or transmit the information electronically or on storage media to the department of commerce by the fifteenth day of the month in which the form was completed. If the information was transmitted to the department of commerce electronically or on storage media before January 1, 1995, the practitioner shall retain copy 1 of the official prescription form. If the information was transmitted to the department of commerce electronically or on storage media on or after January 1, 1995, the practitioner shall retain the official prescription form.

(3) Until January 1, 1995, each official prescription form used to prescribe a controlled substance included in schedule 2 shall be serially numbered and in triplicate, with the first copy labeled 'copy 1', the second copy labeled 'copy 2', and the third copy labeled 'copy 3'. Beginning January 1, 1995, each official prescription form used to prescribe a controlled substance included in schedule 2 shall be serially numbered and shall consist of a single sheet without copies. Each form shall contain spaces for all of the following:

(a) The date the prescription is written.

(b) The date the prescription is filled.

(c) The controlled substance prescribed, the dosage, the quantity, in both written and numerical terms, and instructions for use.

(d) The name, address, and federal drug enforcement administration number of the dispensing pharmacy and the state license number and signature or initials of the pharmacist who fills the prescription.

(e) The name, address, state license number, federal drug enforcement administration number, and signature of the prescribing practitioner.

(f) The name, address, and age of the patient or owner of an animal for whom the controlled substance is prescribed.

(g) A box that, if checked, indicates that the controlled substance was dispensed by a prescribing practitioner.

(4) A prescribing practitioner shall do all of the following:

(a) Until January 1, 1995, fill in on all 3 copies of the prescription form or, beginning January 1, 1995, fill in on the official prescription form, in the space provided, all of the following:

(*i*) The date the prescription is written.

(*ii*) The controlled substance prescribed, the dosage, the quantity, in both written and numerical terms, and instructions for use.

(*iii*) The name, address, and age of the patient or owner of an animal for whom the controlled substance is prescribed.

(*iv*) If the controlled substance is prescribed for an animal, the name of the animal.

(b) Until January 1, 1995, sign copies 1 and 2 of the official prescription form or, beginning January 1, 1995, sign the official prescription form and, except for an oral prescription prescribed under section 7333, give copies 1 and 2 or the form to the person authorized to receive the prescription. Until January 1, 1995, if the prescribing practitioner signs copy 1 of the form and in so doing produces a legible copy of the signature on copy 2, the prescribing practitioner is in compliance with this subdivision.

(c) Retain copy 3 of the official prescription form with the prescribing practitioner's records for not less than 5 years from the date the prescription is written. Beginning January 1, 1995, the prescribing practitioner shall enter the controlled substance, dosage, and quantity prescribed and the instructions for use on the practitioner's record of the patient or owner of an animal for whom the controlled substance is prescribed and shall retain that record for not less than 5 years after the date the prescription is written.

(5) If a prescribing practitioner dispenses a controlled substance included in schedule 2, the prescribing practitioner shall do all of the following:

(a) Until January 1, 1995, fill in on all 3 copies of the official prescription form or, beginning January 1, 1995, fill in on the official prescription form, in the space provided, all of the following:

(*i*) The date the controlled substance is dispensed.

(*ii*) The controlled substance dispensed, the dosage, the quantity, in both written and numerical terms, and instructions for use.

(*iii*) The name, address, and age of the patient or owner of an animal for whom the controlled substance is dispensed.

(*iv*) If the controlled substance is dispensed for an animal, the name of the animal.

(*v*) The box described in subsection (3)(g).

(b) Until January 1, 1995, sign copies 1 and 2 of the official prescription form or, beginning January 1, 1995, sign the official prescription form and until January 1, 1995, forward copy 1 or, beginning January 1, 1995, forward the official prescription form to the department of commerce by the fifteenth day of the month following the month in which the

controlled substance was dispensed. Until January 1, 1995, if the prescribing practitioner signs copy 1 of the official prescription form and in so doing produces a legible copy of the signature on copy 2, the prescribing practitioner is in compliance with this subdivision.

(c) Until January 1, 1995, retain copy 2 of the official prescription form or, beginning January 1, 1995, retain a copy of the official prescription form as a dispensing record.

(d) Retain copy 3 of the official prescription form with the prescribing practitioner's records for not less than 5 years from the date the prescription is written. Beginning January 1, 1995, the prescribing practitioner shall enter the controlled substance, dosage, and quantity prescribed and the instructions for use on the practitioner's record of the patient or owner of an animal for whom the controlled substance is prescribed and shall retain that record for not less than 5 years after the date the prescription is written.

(6) For an oral prescription prescribed under section 7333(2), the prescribing practitioner shall give the dispensing pharmacy the information needed by the dispensing pharmacy to fill the prescription. Upon receiving an oral prescription under this subsection from a prescribing practitioner he or she does not know, the dispensing pharmacist shall make a reasonable effort to determine that the oral prescription was issued by that prescribing practitioner by returning the prescriber's call at the prescriber's telephone number listed in the telephone directory, contacting the hospital's pharmacy if the prescriber called from a hospital, or by making any other good faith effort to confirm the prescriber's identity. Until January 1, 1995, the prescribing practitioner shall complete and forward the first and second copies of the official prescription form or, beginning January 1, 1995, complete and forward the official prescription form to the dispensing pharmacy within 72 hours after issuing the oral prescription. Until January 1, 1995, if the dispensing pharmacist does not receive the first and second copies of the official prescription form or, beginning January 1, 1995, if the dispensing pharmacist does not receive the official prescription form within the 72-hour period, the dispensing pharmacist may notify the department of commerce.

(7) Each dispensing pharmacist shall do all of the following:

(a) Until January 1, 1995, fill in on copies 1 and 2 of the official prescription form or, beginning January 1, 1995, fill in on the official prescription form, in the space provided, the information not required to be filled in by the prescribing practitioner or the department of commerce.

(b) Retain copy 2 with the records of the pharmacy for not less than 5 years.

(c) Until January 1, 1995, sign or initial copy 1 and forward it or, beginning January 1, 1995, sign the official prescription form and forward it or transmit the information electronically or on storage media to the department of commerce by the fifteenth of the month following the month in which the prescription was written. If the information was transmitted to the department of commerce electronically or on storage media before January 1, 1995, the dispensing pharmacist shall retain copy 1 of the official prescription form. If the pharmacist sends the official prescription form to the department of commerce on or after January 1, 1995, the pharmacist shall retain a copy of the form.

(d) When filling a prescription for a controlled substance included in schedule 2 for a prescribing practitioner who is exempted under section 7333(3)(d) from using official prescription forms, a pharmacist shall, by the fifteenth of the month following the month in which the prescription was written, forward a copy of the prescription form used or a document provided by the department of commerce, or transmit the information required by the department of commerce electronically or on storage media, to the department of commerce for each such prescription that contains all of the following information:

(*i*) The date the prescription is written.

(*ii*) The date the prescription is filled.

(*iii*) The controlled substance prescribed, the dosage, and the quantity.

(*iv*) The name, address, and drug enforcement administration number of the prescribing practitioner.

(*v*) The name, address, and age of the patient.

(*vi*) The name, address, and state license number of the dispensing pharmacist.

(8) If a prescribing practitioner has failed to fill in all of the information required under subsection (4)(a), until January 1, 1995, the dispensing pharmacist may complete the information on the back of copy 1 and forward copy 1 pursuant to subsection (7) or, beginning January 1, 1995, the dispensing pharmacist may complete the information on the back of the official prescription form and forward it pursuant to subsection (7), or the dispensing pharmacist may transmit that information electronically or on storage media as provided in subsection (7) and inform the department of commerce, in the manner the department determines, that the prescribing practitioner failed to fill in the information. The dispensing pharmacist shall not change or add information on the front of the official prescription form. If the department of commerce determines that a prescribing practitioner is failing to fill in the required information, the department of commerce shall notify the prescribing practitioner.

(9) A practitioner in possession of official prescription forms issued under subsection (1) whose license to dispense or practice, or whose federal drug enforcement administration number, is suspended or revoked shall, within 7 days

after the date the suspension or revocation becomes effective, return to the department of commerce all official prescription forms that have not been used to issue prescriptions. An individual who violates this subsection is guilty of a misdemeanor.

(10) Notwithstanding any practitioner-patient privilege, the director of commerce shall permit access to or may release information submitted under this section only to the following individuals:

(a) Employees and agents of the department of commerce authorized by the director of commerce.

(b) Employees of a governmental agency responsible for the enforcement of laws pertaining to controlled substances and authorized by the director of commerce.

(c) A prescribing practitioner concerning an individual suspected of attempting to obtain a controlled substance by fraud, deceit, or misrepresentation, as authorized by the director of commerce.

(d) An individual with whom the department of commerce has contracted under subsection (17), as authorized by the director of commerce.

(11) Information submitted under this section is confidential, but may be released to persons authorized by the director of commerce to conduct research studies or to other persons authorized by the director of commerce. However, information released under this subsection shall not identify the individuals to whom the information pertains, and shall be released for statistical purposes only.

(12) The system for retrieval of information submitted pursuant to this section shall be designed in all respects so as to preclude improper access to information.

(13) Except as otherwise provided in this part, information submitted under this section shall be used only for bona fide drug-related criminal investigatory or evidentiary purposes or for the investigatory or evidentiary purposes in connection with the functions of a disciplinary subcommittee or 1 or more of the licensing or registration boards created in article 15.

(14) The identity of an individual patient that is submitted pursuant to this section shall be removed from the system for retrieval of the information described in this section and shall be destroyed and rendered irretrievable not later than the end of the calendar year following the year in which the information was submitted. However, an individual patient identity necessary for use in a specific ongoing investigation conducted in accordance with this act may be retained in the system until the end of the year in which the necessity for retention of the identity ends.

(15) On or before September 30, 1993, the department of commerce, in conjunction with the controlled substances advisory commission, shall submit a public report to the legislature on the effectiveness of the triplicate prescription program. The report shall include a recommendation on whether the program has been a cost effective method of controlling the diversion of controlled substances.

(16) On or before September 30, 1997, the department of commerce, in conjunction with the controlled substances advisory commission, shall submit a public report to the governor, the legislature, and, upon request, those statewide organizations whose members pay the licensing fee prescribed under section 51 of the state license fee act, Act No. 152 of the Public Acts of 1979, being section 338.2251 of the Michigan Compiled Laws. The department of commerce shall make the report available to other interested persons. The report shall evaluate the official prescription form program's effectiveness in reducing diversion of schedule 2 controlled substances, any related increase in the use of schedule 3, 4, or 5 controlled substances, the official prescription form program's cost-effectiveness, the use of electronic or storage media data transfer, and the use of the single copy official prescription form. The report shall include any changes recommended in the official prescription form program.

(17) The department of commerce may enter into contractual agreements for the administration of this section.

(18) This section does not prohibit access to prescription information otherwise allowed by law.

(19) The provisions of this section and section 7333 concerning official prescription forms consisting of a single sheet without copies shall not apply until the department of commerce has implemented the program to transmit prescription-related information electronically or on storage media as required by section 7113.

(20) A hospital licensed by the department of public health or the department of mental health shall provide a prescribing practitioner with a secure means of storing his or her official prescription forms while on hospital premises, including, but not limited to, storage in the hospital pharmacy in a manner similar to that used for storing controlled substances.

Sec. 16315. (1) The health professions regulatory fund is established in the state treasury. Except as otherwise provided in this section, the state treasurer shall credit the fees collected under sections 16319 to 16349 to the health professions regulatory fund. The money in the health professions regulatory fund shall be expended only as provided in subsection (5).

(2) The state treasurer shall direct the investment of the health professions regulatory fund. Interest and earnings from health professions regulatory fund investment shall be credited to the health professions regulatory fund.

(3) The unencumbered balance in the health professions regulatory fund at the close of the fiscal year shall remain in the health professions regulatory fund and shall not revert to the general fund.

(4) The health professions regulatory fund may receive gifts and devises and other money as provided by law.

(5) The department shall use the health professions regulatory fund only to carry out its powers and duties under this article and article 7 including, but not limited to, reimbursing the department of attorney general for the reasonable cost of services provided to the department of commerce under this article and article 7.

(6) The nurse professional fund is established in the state treasury. Of the money that is attributable to per-year license fees collected under section 16327, the state treasurer shall credit $2.00 of each individual annual license fee collected to the nurse professional fund. The money in the nurse professional fund shall be expended only as provided in subsection (9).

(7) The state treasurer shall direct the investment of the nurse professional fund, and shall credit interest and earnings from the investment to the nurse professional fund. The nurse professional fund may receive gifts and devises and other money as provided by law.

(8) The unencumbered balance in the nurse professional fund at the close of the fiscal year shall remain in the nurse professional fund and shall not revert to the general fund.

(9) The department shall use the nurse professional fund each fiscal year only as follows:

(a) The department may use not more than 1/3 of the nurse professional fund for the establishment and operation of a nurse continuing education program.

(b) The department may use not more than 1/3 of the nurse professional fund to perform research and development studies to promote and advance the nursing profession.

(c) The department shall use not less than 1/3 of the nurse professional fund to establish and operate a nursing scholarship program.

(10) Within 2 years after the effective date of this section, the department shall promulgate rules to implement subsection (9) including, but not limited to, rules governing the continuing education program and rules to establish eligibility criteria for participation in the nursing scholarship program, application procedures, and maximum amounts for individual scholarships.

(11) The official prescription form program fund is established in the state treasury and shall be administered by the department. Twenty dollars of the license fee received by the department under section 16319 shall be deposited with the state treasurer to the credit of the official prescription form program fund. The department shall use the fund only in connection with programs relating to the official prescription forms required under article 7. Any unexpended balance in the fund at the end of a fiscal year shall carry forward to the next fiscal year.

Sec. 16319. Fees for a person licensed or seeking licensure to engage in manufacturing, distributing, prescribing, dispensing, or conducting research with controlled substances under part 73 are as follows:

(a) Application processing fee..... $10.00

(b) License fee, per year..... 75.00.

Sec. 17521. (1) The Michigan board of osteopathic medicine and surgery is created in the department and shall consist of the following 9 voting members who shall meet the requirements of part 161: 5 physicians, 1 physician's assistant, and 3 public members.

(2) The requirement of section 16135(d) that a board member shall have practiced that profession for 2 years immediately before appointment is waived until September 30, 1980 for members of the board who are licensed in a health profession subfield created by this part. The Michigan board of osteopathic medicine and surgery does not have the powers and duties vested in the task force by sections 17060 to 17084.

Section 2. Section 16315 of Act No. 368 of the Public Acts of 1978, as added by Enrolled Senate Bill No. 343 of 1993, and section 16319 of Act No. 368 of the Public Acts of 1978, as added by Enrolled House Bill No. 4076 of 1993, are repealed upon the effective date of section 16317 of Act No. 368 of the Public Acts of 1978, as added by Enrolled House Bill No. 4076 of 1993.

Section 3. Sections 16315 and 16319 of Act No. 368 of the Public Acts of 1978, as added by this amendatory act, shall take effect upon the effective date of section 16317 of Act No. 368 of the Public Acts of 1978, as added by Enrolled House Bill No. 4076 of 1993.

Section 4. This amendatory act shall not take effect unless House Bill No. 4118 of the 87th Legislature is enacted into law.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved ---

Governor.