## SUBSTITUTE FOR HOUSE BILL NO. 6026

A bill to amend 1978 PA 368, entitled "Public health code,"

(MCL 333.1101 to 333.25211) by adding section 7403a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 7403A. (1) A PERSON SHALL NOT FRAUDULENTLY OBTAIN OR
- 2 ATTEMPT TO OBTAIN A CONTROLLED SUBSTANCE OR A PRESCRIPTION FOR A
- 3 CONTROLLED SUBSTANCE FROM A HEALTH CARE PROVIDER.
- 4 (2) THE FOLLOWING PRIVILEGES DO NOT APPLY TO MEDICAL RECORDS
- 5 OR INFORMATION RELEASED OR MADE AVAILABLE UNDER SUBSECTION (1):
- 6 (A) THE PHYSICIAN-PATIENT PRIVILEGE CREATED IN SECTION 2157 OF
- 7 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2157.
- 8 (B) THE DENTIST-PATIENT PRIVILEGE CREATED IN SECTION 16648.
- 9 (C) ANY OTHER HEALTH PROFESSIONAL-PATIENT PRIVILEGE CREATED OR
- 10 RECOGNIZED BY LAW.

## House Bill No. 6026 as amended December 2, 2010

- 1 (3) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY
- 2 1964 PA 170, MCL 691.1401 TO 691.1419, AN INDIVIDUAL WHO IN GOOD
- 3 FAITH PROVIDES ACCESS TO MEDICAL RECORDS OR INFORMATION UNDER THIS
- 4 SECTION IS IMMUNE FROM CIVIL OR ADMINISTRATIVE LIABILITY ARISING
- 5 FROM THAT CONDUCT, UNLESS THE CONDUCT WAS GROSS NEGLIGENCE OR
- 6 WILLFUL AND WANTON MISCONDUCT.
- 7 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
- 8 FOLLOWS:
- 9 (A) EXCEPT AS PROVIDED IN << >> SUBSECTION (5),
- 10 THE PERSON IS GUILTY OF A <<FELONY>> PUNISHABLE BY IMPRISONMENT
- 11 FOR NOT MORE THAN <<4 YEARS>> OR A FINE OF NOT MORE THAN <<\$5000.00>>,
  OR
- 12 BOTH.
- 13 <<

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- 18 (5) THE COURT MAY PLACE A PERSON WHO HAS NOT PREVIOUSLY BEEN
- 19 CONVICTED OF VIOLATING THIS SECTION ON PROBATION SUBJECT TO THE
- 20 TERMS AND CONDITIONS SET FORTH IN SECTION 7411.
- 21 (6) THE COURT MAY ORDER ANY PERSON CONVICTED OF VIOLATING THIS
- 22 SECTION TO UNDERGO SCREENING AND ASSESSMENT BY A PERSON OR AGENCY
- 23 DESIGNATED BY THE BUREAU OF SUBSTANCE ABUSE AND ADDICTION SERVICES,
- 24 TO DETERMINE WHETHER THE PERSON IS LIKELY TO BENEFIT FROM
- 25 REHABILITATIVE SERVICES, INCLUDING ALCOHOL OR DRUG EDUCATION AND
- 26 ALCOHOL OR DRUG TREATMENT PROGRAMS. AS PART OF THE SENTENCE IMPOSED
- 27 UNDER THIS SECTION, THE COURT MAY ORDER THE PERSON TO PARTICIPATE

- IN AND SUCCESSFULLY COMPLETE 1 OR MORE APPROPRIATE REHABILITATIVE 1
- 2 PROGRAMS. THE PERSON SHALL PAY FOR THE COSTS OF THE SCREENING,
- ASSESSMENT, AND REHABILITATIVE SERVICES. FAILURE TO COMPLETE A 3
- PROGRAM SHALL BE CONSIDERED A VIOLATION OF THE TERMS OF THE
- 5 PROBATION.
- (7) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING 6
- CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION OF 7
- LAW ARISING OUT OF THE VIOLATION OF THIS SECTION. 8
- (8) AS USED IN THIS SECTION, "HEALTH CARE PROVIDER" MEANS THAT 9
- 10 TERM AS DEFINED IN SECTION 9206.