

SENATE BILL NO. 128

February 26, 2019, Introduced by Senators HERTEL, VANDERWALL, GEISS, WOJNO, ANANICH, VICTORY, BAYER, BARRETT, POLEHANKI, RUNESTAD and CHANG and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7104 (MCL 333.7104), as amended by 2001 PA 233.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7104. (1) "Bona fide prescriber-patient relationship"
2 means a treatment or counseling relationship between a prescriber
3 and a patient in which both of the following are present:
4 (a) The prescriber has reviewed the patient's relevant medical
5 or clinical records and completed an assessment of the patient's

1 medical history and current medical condition, including a relevant
2 medical evaluation of the patient conducted in person or through
3 telehealth as that term is defined in section 16283 or by an
4 individual licensed under article 15 to whom the prescriber has
5 delegated the authority to perform the evaluation under section
6 16215.

7 (b) The prescriber has created and maintained records of the
8 patient's condition in accordance with medically accepted
9 standards.

10 (2) ~~(1)~~ "Bureau" means the ~~drug enforcement administration,~~
11 **Drug Enforcement Administration**, United States department of
12 ~~justice,~~ **Department of Justice**, or its successor agency.

13 (3) ~~(2)~~ "Controlled substance" means a drug, substance, or
14 immediate precursor included in schedules 1 to 5 of part 72.

15 (4) ~~(3)~~ "Controlled substance analogue" means a substance the
16 chemical structure of which is substantially similar to that of a
17 controlled substance in schedule 1 or 2 and that has a narcotic,
18 stimulant, depressant, or hallucinogenic effect on the central
19 nervous system substantially similar to or greater than the
20 narcotic, stimulant, depressant, or hallucinogenic effect on the
21 central nervous system of a controlled substance included in
22 schedule 1 or 2 or, with respect to a particular individual, that
23 the individual represents or intends to have a narcotic, stimulant,
24 depressant, or hallucinogenic effect on the central nervous system
25 substantially similar to or greater than the narcotic, stimulant,
26 depressant, or hallucinogenic effect on the central nervous system
27 of a controlled substance included in schedule 1 or 2. Controlled
28 substance analogue does not include 1 or more of the following:

29 (a) A controlled substance.

1 (b) A substance for which there is an approved new drug
2 application.

3 (c) A substance with respect to which an exemption is in
4 effect for investigational use by a particular person under ~~section~~
5 ~~505 of the federal food, drug and cosmetic act, chapter 675, 52~~
6 ~~Stat. 1052, 21 U.S.C. USC~~ 355, to the extent conduct with respect
7 to the substance is pursuant to the exemption.

8 (d) Any substance to the extent not intended for human
9 consumption before an exemption takes effect with respect to the
10 substance.

11 (5) ~~(4)~~—"Counterfeit prescription form" means a printed form
12 that is the same or similar to a prescription form and that was
13 manufactured, printed, duplicated, forged, electronically
14 transmitted, or altered without the knowledge or permission of a
15 prescriber.

16 (6) ~~(5)~~—"Counterfeit substance" means a controlled substance
17 that, or the container or labeling of which, without authorization,
18 bears the trademark, trade name or other identifying mark, imprint,
19 number, or device, or any likeness thereof, of a manufacturer,
20 distributor, or dispenser other than the person who in fact
21 manufactured, distributed, or dispensed the substance.

22 (7) ~~(6)~~—"Deleterious drug" means a drug, other than a
23 proprietary medicine, likely to be destructive to adult human life
24 in quantities of 3.88 grams or less.

25 (8) ~~(7)~~—"Electronic signature" means an electronic sound,
26 symbol, or process attached to or logically associated with a
27 record and executed or adopted by a person with the intent to sign
28 the record.

29 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No.127 of the 100th Legislature is enacted into
2 law.