

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.17708 Definitions; P to R; limitation on prescription of pharmacological agents.

Sec. 17708. (1) "Preceptor" means a pharmacist approved by the board to direct the training of an intern in an approved pharmacy.

(2) "Prescriber" means a licensed dentist; a licensed doctor of medicine; a licensed doctor of osteopathic medicine and surgery; a licensed doctor of podiatric medicine and surgery; a licensed physician's assistant; subject to part 174, a licensed optometrist; subject to section 17211a, an advanced practice registered nurse; a licensed veterinarian; subject to subsection (7), a registered professional nurse who holds a specialty certification as a nurse anesthetist under section 17210 when engaging in the practice of nursing and providing the anesthesia and analgesia services described in section 17210(3); or any other licensed health professional acting under the delegation and using, recording, or otherwise indicating the name of the delegating licensed doctor of medicine or licensed doctor of osteopathic medicine and surgery. As used in this subsection:

(a) "Advanced practice registered nurse" means that term as defined in section 17201 and includes a licensed advanced practice registered nurse.

(b) "License" means that term as defined in section 16106 and includes an authorization issued under the laws of another state or province of Canada to practice a profession described in this subsection in that state or province of Canada where practice would otherwise be unlawful.

(3) "Prescription" means an order by a prescriber to fill, compound, or dispense a drug or device written and signed; written or created in an electronic format, signed, and transmitted by facsimile; or transmitted electronically or by other means of communication. An order transmitted in other than written or hard-copy form must be electronically recorded, printed, or written and immediately dated by the pharmacist, and that record is considered the original prescription. In a health facility or agency licensed under article 17 or other medical institution, an order for a drug or device in the patient's chart is considered for the purposes of this definition the original prescription. For purposes of this part, prescription also includes a standing order issued under section 17744e and an order to dispense a hormonal contraceptive patch, a self-administered hormonal contraceptive, an emergency contraceptive, or a vaginal ring hormonal contraceptive issued by a pharmacist under section 17744g. Subject to section 17751(2) and (5), prescription includes, but is not limited to, an order for a drug, not including a controlled substance except under circumstances described in section 17763(e), written and signed; written or created in an electronic format, signed, and transmitted by facsimile; or transmitted electronically or by other means of communication by a prescriber in another state or province of Canada.

(4) Subject to subsection (5), "prescription drug" means a drug to which 1 or more of the following apply:

(a) The drug is dispensed pursuant to a prescription.

(b) The drug bears the federal legend "CAUTION: federal law prohibits dispensing without prescription" or "Rx only".

(c) The drug is designated by the board as a drug that may only be dispensed pursuant to a prescription.

(5) For purposes of this part, prescription drug also includes a drug dispensed pursuant to section 17724a or 17744f.

(6) "Remote pharmacy" means a pharmacy described in sections 17742a and 17742b.

(7) The authority of a registered professional nurse who holds a specialty certification as a nurse anesthetist under section 17210 to prescribe pharmacological agents is limited to pharmacological agents for administration to patients as described in section 17210(3)(b), (c), or (d). Subsection (2) does not require new or additional third party reimbursement or mandated worker's compensation benefits for anesthesia and analgesia services provided under section 17210(3) by a registered professional nurse who holds a specialty certification as a nurse anesthetist under section 17210.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1994, Act 384, Eff. Mar. 30, 1995;—Am. 1997, Act 153, Eff. Mar. 31, 1998;—Am. 2005, Act 85, Imd. Eff. July 19, 2005;—Am. 2006, Act 672, Imd. Eff. Jan. 10, 2007;—Am. 2009, Act 150, Imd. Eff. Nov. 19, 2009;—Am. 2011, Act 155, Imd. Eff. Sept. 27, 2011;—Am. 2012, Act 209, Imd. Eff. June 27, 2012;—Am. 2016, Act 49, Eff. June 13, 2016;—Am. 2016, Act 379, Eff. Mar. 22, 2017;—Am. 2016, Act 383, Eff. Mar. 28, 2017;—Am. 2016, Act 499, Eff. Apr. 9, 2017;—Am. 2020, Act 4, Eff. Apr. 26, 2020;—Am. 2021, Act 36, Imd. Eff. July 1, 2021;—Am. 2021, Act 53, Eff. Oct. 11, 2021;—Am. 2022, Act 80, Eff. Mar. 29, 2023;—Am. 2023, Act 97, Imd. Eff. July 19, 2023;—Am. 2024, Act 242, Eff. Apr. 2, 2025.

Compiler's note: Enacting section 1 of Act 49 of 2016 provides:

"Enacting section 1. Section 16349 of the public health code, 1978 PA 368, MCL 333.16349, as amended by this amendatory act, applies to licensing fees required to be paid after December 31, 2018."

Popular name: Act 368