HOUSE SUBSTITUTE FOR

SENATE BILL NO. 128

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:

Sec. 7104. **(1) "Bona fide prescriber-patient relationship" means a treatment or counseling relationship between a prescriber and a patient in which both of the following are present:**

(a) The prescriber has reviewed the patient's relevant medical or clinical records and completed an assessment of the patient's medical history and current medical condition, including a relevant medical evaluation of the patient conducted in person or through telehealth as that term is defined in section 16283.

(b) The prescriber has created and maintained records of the

patient's condition in accordance with medically accepted standards.

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

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

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

(a) A controlled substance.

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

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

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

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

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

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

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

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4225 of the 100th Legislature is enacted into law.