

HOUSE BILL No. 4526

March 22, 1989, Introduced by Reps. Gire, Bennane, Hunter, DeBeaussaert, Pitoniak, Stabenow, Miller and Martin and referred to the Committee on Public Health.

A bill to amend sections 7111 and 7333 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

section 7111 as added by Act No. 60 of the Public Acts of 1988 and section 7333 as amended by Act No. 240 of the Public Acts of 1988, being sections 333.7111 and 333.7333 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7111 and 7333 of Act No. 368 of the
2 Public Acts of 1978, section 7111 as added by Act No. 60 of the
3 Public Acts of 1988 and section 7333 as amended by Act No. 240 of
4 the Public Acts of 1988, being sections 333.7111 and 333.7333 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 7111. (1) The controlled substances advisory
7 commission is created in the department of licensing and

1 regulation and shall consist of the following 13 voting members
2 appointed by the governor with the advice and consent of the
3 senate:

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

6 (i) The Michigan board of medicine.

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

9 (iii) The Michigan board of pharmacy.

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

11 (v) The Michigan board of dentistry.

12 (vi) The Michigan board of veterinary medicine.

13 (vii) The Michigan board of nursing.

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

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

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

20 (e) One member representing pharmaceutical manufacturers.

21 (2) The director of the department of state police, director
22 of licensing and regulation, director of public health, director
23 of social services, superintendent of public instruction, and the
24 attorney general, or their official designees, and the drug con-
25 trol administrator from within the department of licensing and
26 regulation, who shall serve as secretary to the controlled
27 substances advisory commission, shall be ex officio members

1 without votes, but are not members for the purpose of determining
2 of a quorum. The department, in consultation with the Michigan
3 board of pharmacy, shall appoint an individual to serve as the
4 drug control administrator for purposes of this section. The
5 individual appointed by the department to serve as drug control
6 administrator shall be a licensed pharmacist.

7 (3) This section is repealed effective September 30, 1993.

8 Sec. 7333. (1) Except as otherwise provided in this sec-
9 tion, a controlled substance included in schedule 2 shall not be
10 dispensed without the written prescription of a practitioner on
11 an official prescription form.

12 (2) In an emergency situation, as defined by rule of the
13 administrator, a controlled substance included in schedule 2 may
14 be dispensed upon oral prescription of a practitioner, if the
15 prescribing practitioner promptly fills out an official prescrip-
16 tion form and forwards the first and second copies of the offi-
17 cial prescription form to the dispensing pharmacy within 72 hours
18 after the oral prescription is issued, in compliance with
19 section ~~7334(4)~~ 7334(6). A prescription for a controlled sub-
20 stance included in schedule 2 shall not be refilled. A prescrip-
21 tion for a controlled substance included in schedule 2 shall not
22 be filled more than 3 days after the date on which the prescrip-
23 tion was issued.

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

26 (a) A ~~prescription for an individual who is admitted to~~
27 CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE 2 THAT IS ORDERED FOR

1 AND ADMINISTERED TO A PATIENT IN a hospital ~~at the same time the~~
2 ~~prescription is written and filled at the hospital~~ LICENSED BY
3 THE DEPARTMENT OF PUBLIC HEALTH OR THE DEPARTMENT OF MENTAL
4 HEALTH.

5 (b) A ~~prescription that is~~ CONTROLLED SUBSTANCE INCLUDED
6 IN SCHEDULE 2 THAT IS ORDERED FOR AND administered to a patient
7 on the premises of a licensed health facility or agency OTHER
8 THAN A HOSPITAL OR IN THE PRIVATE PRACTICE OFFICE OF A LICENSED
9 PHYSICIAN, DENTIST, OR PODIATRIST.

10 (C) A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE 2 THAT IS
11 ADMINISTERED TO AN ANIMAL BY A LICENSED VETERINARIAN IN A
12 VETERINARIAN'S OFFICE, ANIMAL CLINIC, ANIMAL HOSPITAL, ZOO, OR ON
13 THE PREMISES OF THE ANIMAL'S DOMICILE, AND A COMMERCIALY PRE-
14 PARED, PREMIXED SOLUTION OF SODIUM PENTOBARBITAL ADMINISTERED TO
15 AN ANIMAL FOR THE PURPOSE OF EUTHANASIA.

16 (D) A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE 2 THAT IS
17 ADMINISTERED TO AN INMATE IN A STATE CORRECTIONAL FACILITY OR
18 COUNTY JAIL.

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

25 (4) Except if dispensed directly by a practitioner, other
26 than a pharmacist, to an ultimate user, a controlled substance
27 included in schedule 3 or 4 ~~, which~~ THAT is a prescription drug

1 as determined under section 503(b) of the federal food, drug, and
2 cosmetic act, CHAPTER 675, 52 STAT. 1040, 21 U.S.C. ~~353(b)~~,
3 353 or section 17708, shall not be dispensed without a written or
4 oral prescription of a practitioner. The prescription shall not
5 be filled or refilled without specific refill instructions noted
6 by the prescriber. The prescription shall not be filled or
7 refilled later than 6 months after the date of the prescription
8 or be refilled more than 5 times, unless renewed by the practi-
9 tioner in accordance with rules promulgated by the
10 administrator.

11 (5) A controlled substance included in schedule 5 shall not
12 be distributed or dispensed other than for a medical purpose, nor
13 in any manner except in accordance with rules promulgated by the
14 administrator.

15 (6) If a written prescription is required under this sec-
16 tion, the written prescription shall contain the quantity of the
17 controlled substance prescribed in both written and numerical
18 terms. A written prescription shall be in compliance with this
19 subsection if, in addition to containing the quantity of the con-
20 trolled substance prescribed in written terms, it contains pre-
21 printed numbers, representative of the quantity of the controlled
22 substance prescribed, next to which is a box or line which may be
23 checked by the prescriber.

24 (7) A prescribing practitioner shall not use a prescription
25 form for a purpose other than prescribing. A prescribing practi-
26 tioner shall not postdate an official prescription form. A
27 prescribing practitioner shall not sign an official prescription

1 form on a day other than the day on which the prescription is
2 issued.

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

12 (a) Applies to the administrator for a permit in accordance
13 with rules promulgated under this part. The application shall
14 contain the name of the individual in charge of the day to day
15 operations of the dog pound or animal shelter and the name of the
16 individual responsible for designating employees who will be
17 practicing euthanasia on animals pursuant to this act.

18 (b) Complies with the rules promulgated by the administrator
19 for the storage, handling, and use of commercially prepared, pre-
20 mixed solution of sodium pentobarbital to practice euthanasia on
21 animals. A record of use shall be maintained and shall be avail-
22 able for inspection.

23 (c) Certifies that an employee of the dog pound or animal
24 shelter has received, and can document completion of, a minimum
25 of 8 hours of training given by a licensed veterinarian in the
26 use of sodium pentobarbital to practice euthanasia on animals
27 pursuant to rules promulgated by the administrator in

1 consultation with the board of veterinary medicine as these rules
2 relate to this training, and that only an individual described in
3 this subdivision, or an individual otherwise permitted to use a
4 controlled substance pursuant to this article, will administer
5 the commercially prepared, premixed solution of sodium pentobar-
6 bital according to written procedures established by the dog
7 pound or animal shelter.

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

14 (10) If a dog pound or animal shelter issued a permit pursu-
15 ant to subsection (8) does not have in its employ an individual
16 trained as described in subsection (8)(c), the dog pound or
17 animal shelter shall immediately notify the administrator, and
18 shall cease to administer any commercially prepared, premixed
19 solution of sodium pentobarbital until the administrator is noti-
20 fied that 1 of the following has occurred:

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

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

25 (11) A veterinarian, including a veterinarian who trains
26 individuals as described in subsection (8)(c), shall not be
27 civilly or criminally liable for the use of a commercially

1 prepared, premixed solution of sodium pentobarbital by a dog
2 pound or animal shelter unless the veterinarian is employed by or
3 under contract with the dog pound or animal shelter, and the
4 terms of the veterinarian's employment or the contract require
5 the veterinarian to be responsible for the use or administration
6 of the commercially prepared, premixed solution of sodium
7 pentobarbital.

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

11 (13) This section shall not be construed to require that a
12 veterinarian be employed by or under contract with a dog pound or
13 animal shelter in order to obtain, possess, or administer a com-
14 mercially prepared, premixed solution of sodium pentobarbital
15 pursuant to this section.