

HOUSE BILL No. 4698

April 24, 1989, Introduced by Reps. Gire, DeBeaussaert and Ciaramitaro and referred to the Committee on Public Health.

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

"Public health code,"

as amended by Act No. 240 of the Public Acts of 1988, being section 333.7333 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7333 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 240 of the Public Acts of 1988,
3 being section 333.7333 of the Michigan Compiled Laws, is amended
4 to read as follows:

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

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

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

15 (a) A ~~prescription for an individual who is admitted to~~
16 CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE 2 THAT IS ORDERED FOR
17 AND ADMINISTERED TO A PATIENT IN a hospital ~~at the same time the~~
18 ~~prescription is written and filled at the hospital~~ LICENSED BY
19 THE DEPARTMENT OF PUBLIC HEALTH OR THE DEPARTMENT OF MENTAL
20 HEALTH.

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

26 (c) A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE 2 THAT IS
27 ADMINISTERED TO AN ANIMAL BY A LICENSED VETERINARIAN IN A

1 VETERINARIAN'S OFFICE, ANIMAL CLINIC, ANIMAL HOSPITAL, ZOO, OR ON
2 THE PREMISES OF THE ANIMAL'S DOMICILE, AND A COMMERCIALY PRE-
3 PARED, PREMIXED SOLUTION OF SODIUM PENTOBARBITAL ADMINISTERED TO
4 AN ANIMAL FOR THE PURPOSE OF EUTHANASIA.

5 (D) ~~(e)~~ A prescription ISSUED by a practitioner residing
6 adjacent to the land border between this state and an adjoining
7 state who is authorized under the laws of that state to practice
8 a health profession and whose practice may extend into this
9 state, but who does not maintain an office or designate a place
10 to meet patients or receive calls in this state.

11 (4) Except if dispensed directly by a practitioner, other
12 than a pharmacist, to an ultimate user, a controlled substance
13 included in schedule 3 or 4 ~~, which~~ THAT is a prescription drug
14 as determined under section 503(b) of the federal food, drug, and
15 cosmetic act, CHAPTER 675, 52 STAT. 1040, 21 U.S.C. ~~353(b)~~,
16 353 or section 17708, shall not be dispensed without a written or
17 oral prescription of a practitioner. The prescription shall not
18 be filled or refilled without specific refill instructions noted
19 by the prescriber. The prescription shall not be filled or
20 refilled later than 6 months after the date of the prescription
21 or be refilled more than 5 times, unless renewed by the practi-
22 tioner in accordance with rules promulgated by the
23 administrator.

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

1 (6) If a written prescription is required under this
2 section, the written prescription shall contain the quantity of
3 the controlled substance prescribed in both written and numerical
4 terms. A written prescription shall be in compliance with this
5 subsection if, in addition to containing the quantity of the con-
6 trolled substance prescribed in written terms, it contains pre-
7 printed numbers, representative of the quantity of the controlled
8 substance prescribed, next to which is a box or line which may be
9 checked by the prescriber.

10 (7) A prescribing practitioner shall not use a prescription
11 form for a purpose other than prescribing. A prescribing practi-
12 tioner shall not postdate an official prescription form. A pre-
13 scribing practitioner shall not sign an official prescription
14 form on a day other than the day on which the prescription is
15 issued.

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

25 (a) Applies to the administrator for a permit in accordance
26 with rules promulgated under this part. The application shall
27 contain the name of the individual in charge of the day to day

1 operations of the dog pound or animal shelter and the name of the
2 individual responsible for designating employees who will be
3 practicing euthanasia on animals pursuant to this act.

4 (b) Complies with the rules promulgated by the administrator
5 for the storage, handling, and use of commercially prepared, pre-
6 mixed solution of sodium pentobarbital to practice euthanasia on
7 animals. A record of use shall be maintained and shall be avail-
8 able for inspection.

9 (c) Certifies that an employee of the dog pound or animal
10 shelter has received, and can document completion of, a minimum
11 of 8 hours of training given by a licensed veterinarian in the
12 use of sodium pentobarbital to practice euthanasia on animals
13 pursuant to rules promulgated by the administrator in consulta-
14 tion with the board of veterinary medicine as these rules relate
15 to this training, and that only an individual described in this
16 subdivision, or an individual otherwise permitted to use a con-
17 trolled substance pursuant to this article, will administer the
18 commercially prepared, premixed solution of sodium pentobarbital
19 according to written procedures established by the dog pound or
20 animal shelter.

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

1 (10) If a dog pound or animal shelter issued a permit
2 pursuant to subsection (8) does not have in its employ an
3 individual trained as described in subsection (8)(c), the dog
4 pound or animal shelter shall immediately notify the administra-
5 tor, and shall cease to administer any commercially prepared,
6 premixed solution of sodium pentobarbital until the administrator
7 is notified that 1 of the following has occurred:

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

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

12 (11) A veterinarian, including a veterinarian who trains
13 individuals as described in subsection (8)(c), shall not be civ-
14 ily or criminally liable for the use of a commercially prepared,
15 premixed solution of sodium pentobarbital by a dog pound or
16 animal shelter unless the veterinarian is employed by or under
17 contract with the dog pound or animal shelter, and the terms of
18 the veterinarian's employment or the contract require the veteri-
19 narian to be responsible for the use or administration of the
20 commercially prepared, premixed solution of sodium
21 pentobarbital.

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

25 (13) This section shall not be construed to require that a
26 veterinarian be employed by or under contract with a dog pound or
27 animal shelter in order to obtain, possess, or administer a

1 commercially prepared, premixed solution of sodium pentobarbital
2 pursuant to this section.