

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 908**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7405 and 17763 (MCL 333.7405 and 333.17763),
section 7405 as amended by 1997 PA 153 and section 17763 as
amended by 2004 PA 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 7405. (1) A person:
- 2 (a) Who is licensed by the administrator under this article
- 3 shall not distribute, prescribe, or dispense a controlled
- 4 substance in violation of section 7333.
- 5 (b) Who is a licensee shall not manufacture a controlled
- 6 substance not authorized by his or her license or distribute,
- 7 prescribe, or dispense a controlled substance not authorized by
- 8 his or her license to another licensee or other authorized
- 9 person, except as authorized by rules promulgated by the

1 administrator.

2 (c) Shall not refuse an entry into any premises for an
3 inspection authorized by this article.

4 (d) Shall not knowingly keep or maintain a store, shop,
5 warehouse, dwelling, building, vehicle, boat, aircraft, or other
6 structure or place, that is frequented by persons using
7 controlled substances in violation of this article for the
8 purpose of using controlled substances, or that is used for
9 keeping or selling controlled substances in violation of this
10 article.

11 (e) Who is a practitioner shall not dispense a prescription
12 for a controlled substance written and signed or transmitted by a
13 physician prescriber licensed to practice in a state other than
14 Michigan, unless the prescription is issued by a physician
15 prescriber ~~residing~~ **who resides** adjacent to the land border
16 between this state and an adjoining state **or resides in Illinois**
17 **or Minnesota and** who is authorized under the laws of that state
18 to practice medicine or osteopathic medicine and surgery and to
19 prescribe controlled substances and whose practice may extend
20 into this state, but who does not maintain an office or designate
21 a place to meet patients or receive calls in this state.

22 (2) A person who violates subsection (1) is subject to the
23 penalties prescribed in section 7406.

24 Sec. 17763. In addition to the grounds set forth in part
25 161, the disciplinary subcommittee may fine, reprimand, or place
26 a pharmacist licensee on probation, or deny, limit, suspend, or
27 revoke the license of a pharmacist or order restitution or

1 community service for a violation or abetting in a violation of
2 this part or rules promulgated under this part, or for 1 or more
3 of the following grounds:

4 (a) Employing the mail to sell, distribute, or deliver a drug
5 that requires a prescription when the prescription for the drug
6 is received by mail.

7 (b) Permitting the dispensing of prescriptions by an
8 individual who is not a pharmacist, pharmacist intern, or
9 dispensing prescriber.

10 (c) Permitting the dispensing of prescriptions by a
11 pharmacist intern, except in the presence and under the personal
12 charge of a pharmacist.

13 (d) Selling at auction drugs in bulk or in open packages
14 unless the sale has been approved in accordance with rules of the
15 board.

16 (e) Promoting a prescription drug to the public in any
17 manner.

18 (f) In addition to the prohibition contained in section
19 7405(1)(e), dispensing a prescription for a controlled substance
20 as defined in section 7104 that is written and signed or
21 transmitted by a physician prescriber in a state other than
22 Michigan, unless the prescription is issued by a physician
23 prescriber ~~residing~~ **who resides** adjacent to the land border
24 between this state and an adjoining state **or resides in Illinois**
25 **or Minnesota and** who is authorized under the laws of that state
26 to practice medicine or osteopathic medicine and surgery and to
27 prescribe controlled substances and whose practice may extend

1 into this state, but who does not maintain an office or designate
2 a place to meet patients or receive calls in this state.