

HOUSE BILL No. 4774

April 2, 2009, Introduced by Reps. Hansen, Elsenheimer, Marleau, Rick Jones and Ball and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17751 (MCL 333.17751), as amended by 2006 PA
672.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17751. (1) A pharmacist shall not dispense a drug
2 requiring a prescription under the federal act or a law of this
3 state except under authority of an original prescription or an
4 equivalent record of an original prescription approved by the
5 board.

6 (2) A pharmacist may dispense a prescription written and
7 signed or transmitted by facsimile, electronic transmission, or
8 other means of communication by a physician prescriber in a state

1 other than Michigan, but not including a prescription for a
2 controlled substance as defined in section 7104 except under
3 circumstances described in section 17763(e), only if the pharmacist
4 in the exercise of his or her professional judgment determines all
5 of the following:

6 (a) That the prescription was issued pursuant to an existing
7 physician-patient relationship.

8 (b) That the prescription is authentic.

9 (c) That the prescribed drug is appropriate and necessary for
10 the treatment of an acute, chronic, or recurrent condition.

11 (3) A pharmacist or a prescriber shall dispense a prescription
12 only if the prescription falls within the scope of practice of the
13 prescriber.

14 (4) A pharmacist shall not knowingly dispense a prescription
15 after the death of the prescriber or patient.

16 (5) A PHARMACIST SHALL NOT DISPENSE A PRESCRIPTION UNLESS THE
17 PATIENT OR THE PATIENT'S AUTHORIZED REPRESENTATIVE PRODUCES A VALID
18 PHOTOGRAPHIC IDENTIFICATION ISSUED BY THIS STATE, ANOTHER STATE,
19 THE FEDERAL GOVERNMENT, OR AN INSTITUTION OF HIGHER EDUCATION IN
20 THIS STATE DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE
21 STATE CONSTITUTION OF 1963 OR A JUNIOR COLLEGE OR COMMUNITY COLLEGE
22 ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE
23 CONSTITUTION OF 1963. AS USED IN THIS SUBSECTION, "AUTHORIZED
24 REPRESENTATIVE" MEANS A PARENT, GUARDIAN, OR PERSON ACTING IN LOCO
25 PARENTIS IF THE PATIENT IS A MINOR, A MEMBER OF THE IMMEDIATE
26 FAMILY, THE NEXT OF KIN, OR AN INDIVIDUAL WHO IS DESIGNATED AS A
27 PATIENT ADVOCATE AND GIVEN EXPLICIT WRITTEN AUTHORIZATION TO ACT ON

- 1 THE PATIENT'S BEHALF IN REGARD TO MEDICAL TREATMENT OR, AS
- 2 APPLICABLE, MENTAL HEALTH TREATMENT.