

# HOUSE BILL NO. 5845

February 24, 2022, Introduced by Reps. Kuppa, Camilleri, Hertel, Sowerby, Cavanagh, Hood, Tyrone Carter, Hope, Pohutsky, Aiyash, Steckloff, Sabo, Stone, Shannon, Young, Brabec, LaGrand, Ellison, Clemente, Garza, Haadsma, Rabhi, Brixie and Yancey and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315, 16319, and 16333 (MCL 333.16315, 333.16319, and 333.16333), section 16315 as amended by 2020 PA 169, section 16319 as added by 1993 PA 138, and section 16333 as amended by 2020 PA 142.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 16315. (1) The health professions regulatory fund is  
**2** established in the state treasury. Except as otherwise provided in

1 this section, the state treasurer shall credit the fees collected  
2 under sections 16319 to 16349 to the health professions regulatory  
3 fund. Except as otherwise provided in this section, the money in  
4 the health professions regulatory fund shall be expended only as  
5 provided in subsection (5).

6 (2) The state treasurer shall direct the investment of the  
7 health professions regulatory fund. Interest and earnings from **the**  
8 health professions regulatory fund ~~investment shall~~ **investments**  
9 **must** be credited to the health professions regulatory fund.

10 (3) The unencumbered balance in the health professions  
11 regulatory fund at the close of the fiscal year ~~shall~~ **must** remain  
12 in the health professions regulatory fund and ~~shall~~ **must** not revert  
13 to the general fund.

14 (4) The health professions regulatory fund may receive gifts  
15 and devises and other money as provided by law.

16 (5) The department shall use the health professions regulatory  
17 fund to carry out its powers and duties under this article, article  
18 7, and article 8, including, but not limited to, reimbursing the  
19 department of attorney general for the reasonable cost of services  
20 provided to the department under this article, article 7, and  
21 article 8.

22 (6) The nurse professional fund is established in the state  
23 treasury. Of the money that is attributable to per-year license  
24 fees collected under section 16327, the state treasurer shall  
25 credit \$8.00 of each individual annual license fee collected to the  
26 nurse professional fund. The money in the nurse professional fund  
27 ~~shall~~ **must** be expended only as provided in subsection (9).

28 (7) The state treasurer shall direct the investment of the  
29 nurse professional fund, and shall credit interest and earnings

1 from the investment to the nurse professional fund. The nurse  
2 professional fund may receive gifts and devises and other money as  
3 provided by law.

4 (8) The unencumbered balance in the nurse professional fund at  
5 the close of the fiscal year ~~shall~~**must** remain in the nurse  
6 professional fund and ~~shall~~**must** not revert to the general fund.

7 (9) The department of health and human services shall use the  
8 nurse professional fund each fiscal year only as follows:

9 (a) To promote safe patient care in all nursing practice  
10 environments.

11 (b) To advance the safe practice of the nursing profession.

12 (c) To ensure a continuous supply of high-quality direct care  
13 nurses, nursing faculty, and nursing education programs.

14 (d) To operate a nursing scholarship program.

15 (10) The pain management education and controlled substances  
16 electronic monitoring and antidiversion fund is established in the  
17 state treasury.

18 (11) The state treasurer shall direct the investment of the  
19 pain management education and controlled substances electronic  
20 monitoring and antidiversion fund. Interest and earnings from  
21 investment of the pain management education and controlled  
22 substances electronic monitoring and antidiversion fund ~~shall~~**must**  
23 be credited to the pain management education and controlled  
24 substances electronic monitoring and antidiversion fund.

25 (12) The unencumbered balance in the pain management education  
26 and controlled substances electronic monitoring and antidiversion  
27 fund at the close of the fiscal year ~~shall~~**must** remain in the pain  
28 management education and controlled substances electronic  
29 monitoring and antidiversion fund and ~~shall~~**must** not revert to the

1 general fund. The pain management education and controlled  
2 substances electronic monitoring and antidiversion fund may receive  
3 gifts and devises and other money as provided by law. Twenty  
4 dollars of the license fee received by the department under section  
5 16319 ~~shall~~**must** be deposited with the state treasurer to the  
6 credit of the pain management education and controlled substances  
7 electronic monitoring and antidiversion fund. The department shall  
8 use the pain management education and controlled substances  
9 electronic monitoring and antidiversion fund only in connection  
10 with programs relating to pain management education for health  
11 professionals, preventing the diversion of controlled substances,  
12 and development and maintenance of the electronic monitoring system  
13 for controlled substances data required by section 7333a.

14 (13) For the fiscal year ending September 30, 2020 only,  
15 \$10,000,000.00 of the money in the health professions regulatory  
16 fund is transferred to and must be deposited into the general fund.

17 **(14) Beginning on the effective date of rules promulgated**  
18 **under section 16333(2), of the money that is attributable to the**  
19 **per-year license fees collected under sections 16319 and 16333 for**  
20 **manufacturers, the state treasurer shall credit to the prescription**  
21 **drug affordability fund established in section 17 of the**  
22 **prescription drug cost and affordability review act, the dollar**  
23 **amount of the increase of each license fee that is increased by the**  
24 **department of insurance and financial services under section**  
25 **16333(2) .**

26 Sec. 16319. **(1)** Fees for a person licensed or seeking  
27 licensure to engage in ~~manufacturing,~~ distributing, prescribing,  
28 dispensing, or conducting research with controlled substances under  
29 part 73 are as follows:

- 1           (a) **Application processing fee**..... \$ 10.00
- 2           (b) **License fee, per year**..... 75.00.

3           (2) **Fees for a person licensed or seeking licensure to engage**  
 4 **in manufacturing controlled substances under part 73 are as**  
 5 **follows:**

- 6           (a) Application processing fee..... \$ 10.00
- 7           (b) ~~License~~**Subject to section 16333(2), license** 75.00
- 8                 **fee, per year**.....

9           Sec. 16333. (1) Fees for a person licensed or seeking  
 10 licensure to engage in the practice of pharmacy or other practices  
 11 regulated under part 177 are as follows:

- 12           (a) Application processing fees:
- 13                 (i) Pharmacist..... \$ 75.00
- 14                 (ii) Pharmacy..... 75.00
- 15                 (iii) Drug control..... 75.00
- 16                 (iv) Manufacturer, wholesale distributor, or
- 17                     wholesale distributor-broker..... 75.00
- 18                 (v) Pharmacy technician..... 75.00
- 19           (b) Examination fees:
- 20                 Jurisprudence examination..... 30.00
- 21           (c) License fees, per year:
- 22                 (i) Pharmacist..... 30.00
- 23                 (ii) Pharmacy..... 50.00
- 24                 (iii) Drug control..... 15.00
- 25                 (iv) ~~Manufacturer, wholesale~~**Wholesale** distributor ~~,~~
- 26                     or wholesale distributor-broker..... 25.00
- 27           (v) **Subject to subsection (2),**
- 28                 **manufacturer**..... **25.00**

1           (vi) Pharmacy technician..... 30.00  
2           ~~(v)~~  
3           (d) Temporary license for pharmacist..... 25.00  
4           (e) Limited license for pharmacist, per year..... 15.00  
5           (f) Temporary license for pharmacy technician..... 15.00  
6           (g) Limited license for pharmacy technician, per  
7                year..... 10.00

8           **(2) The department of insurance and financial services may**  
9           **promulgate rules to increase the per-year license fee for**  
10           **manufacturers collected under this section and section 16319 by an**  
11           **amount not to exceed the actual cost to implement the prescription**  
12           **drug cost and affordability review act.**

13           Enacting section 1. This amendatory act does not take effect  
14           unless Senate Bill No.\_\_\_\_ or House Bill No. 5842 (request no.  
15           02823'21) of the 101st Legislature is enacted into law.