

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.17703 Definitions; D, E.

Sec. 17703. (1) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a drug or device from 1 person to another.

(2) "Device" means an instrument, apparatus, or contrivance, including its components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals, or to affect the structure or function of the body of human beings or other animals.

(3) "Dispense" means the preparation, compounding, packaging, or labeling of a drug pursuant to any of the following:

- (a) A prescription.
- (b) An authorization issued by a prescriber.
- (c) Section 17724a or 17744f.

(4) "Dispensing prescriber" means a prescriber, other than a veterinarian, who dispenses prescription drugs.

(5) Except as otherwise provided in section 17780, "distribute" or "distribution" means to sell, offer for sale, deliver, offer to deliver, broker, give away, or transfer a drug, whether by passage of title or physical movement. The term does not include any of the following:

- (a) Dispensing or administering a drug.

(b) The delivery of a drug, or offering to deliver a drug, by a common carrier in the usual course of business as a common carrier.

- (c) The delivery of a drug via an automated device under section 17760.

(6) "Drug" means any of the following:

(a) A substance recognized or for which the standards or specifications are prescribed in the official compendium.

(b) A substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals.

(c) A substance, other than food, intended to affect the structure or a function of the body of human beings or other animals.

(d) A substance intended for use as a component of a substance specified in subdivision (a), (b), or (c), but not including a device or its components, parts, or accessories.

(7) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(8) "Electronically transmitted prescription" means the communication of an original prescription or refill authorization by electronic means including computer to computer, computer to facsimile machine, or email transmission that contains the same information it contained when the prescriber or the prescriber's agent transmitted the prescription. Electronically transmitted prescription does not include a prescription or refill authorization transmitted by telephone or facsimile machine.

(9) "Emergency contraceptive" means a drug approved by the FDA to prevent pregnancy as soon as possible following unprotected sexual intercourse or a known or suspected contraceptive failure.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1980, Act 431, Eff. Mar. 31, 1981;—Am. 1992, Act 281, Imd. Eff. Dec. 18, 1992;—Am. 2006, Act 672, Imd. Eff. Jan. 10, 2007;—Am. 2012, Act 209, Imd. Eff. June 27, 2012;—Am. 2014, Act 285, Eff. Dec. 22, 2014;—Am. 2016, Act 528, Eff. Apr. 9, 2017;—Am. 2021, Act 36, Imd. Eff. July 1, 2021;—Am. 2023, Act 97, Imd. Eff. July 19, 2023;—Am. 2024, Act 242, Eff. Apr. 2, 2025.

Popular name: Act 368