

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 248**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 7333, 16226, 16322, 16501, 16511, 16513,  
16521, 16525, 16529, 17744, and 17751 (MCL 333.7333, 333.16226,  
333.16322, 333.16501, 333.16511, 333.16513, 333.16521, 333.16525,  
333.16529, 333.17744, and 333.17751), section 7333 as amended by  
2018 PA 34, section 16226 as amended by 2018 PA 463, sections  
16322, 16501, 16511, 16521, 16525, and 16529 as amended by 2019 PA  
140, section 16513 as added by 2019 PA 140, section 17744 as added  
by 2012 PA 209, and section 17751 as amended by 2020 PA 4.

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

1           Sec. 7333. (1) As used in this section, "good faith" means the  
2           prescribing or dispensing of a controlled substance by a



1 practitioner licensed under section 7303 in the regular course of  
 2 professional treatment to or for an individual who is under  
 3 treatment by the practitioner for a pathology or condition other  
 4 than that individual's physical or psychological dependence ~~upon~~**on**  
 5 or addiction to a controlled substance, except as provided in this  
 6 article. Application of good faith to a pharmacist means the  
 7 dispensing of a controlled substance pursuant to a prescriber's  
 8 order which, in the professional judgment of the pharmacist, is  
 9 lawful. The pharmacist shall be guided by nationally accepted  
 10 professional standards including, but not limited to, all of the  
 11 following, in making the judgment:

12 (a) Lack of consistency in the doctor-patient relationship.

13 (b) Frequency of prescriptions for the same drug by 1  
 14 prescriber for larger numbers of patients.

15 (c) Quantities beyond those normally prescribed for the same  
 16 drug.

17 (d) Unusual dosages.

18 (e) Unusual geographic distances between patient, pharmacist,  
 19 and prescriber.

20 (2) Except as otherwise provided in this section, a  
 21 practitioner, in good faith, may dispense a controlled substance  
 22 included in schedule 2 ~~upon~~**that is a prescription drug as**  
 23 **determined under section 503(b) of the federal food, drug, and**  
 24 **cosmetic act, 21 USC 353, or section 17708, on** receipt of a ~~either~~  
 25 **of the following:**

26 (a) **A** prescription of a practitioner licensed under section  
 27 7303 on a prescription form. ~~A practitioner may issue more~~ **More**  
 28 than 1 prescription for a controlled substance included in schedule  
 29 2 **may be included** on a single prescription form.



1           **(b) A prescription that is electronically transmitted under**  
 2 **section 17754a.**

3           (3) In an emergency situation, as described in R 338.3165 of  
 4 the Michigan Administrative Code, a controlled substance included  
 5 in schedule 2 may be dispensed ~~upon~~**on** the oral prescription of a  
 6 practitioner if the prescribing practitioner promptly fills out a  
 7 prescription form and forwards the prescription form to the  
 8 dispensing pharmacy within 7 days after the oral prescription is  
 9 issued. A prescription for a controlled substance included in  
 10 schedule 2 must not be filled more than 90 days after the date on  
 11 which the prescription was issued. A pharmacist, consistent with  
 12 federal law and regulations on the partial filling of a controlled  
 13 substance included in schedule 2, may partially fill in increments  
 14 a prescription for a controlled substance included in schedule 2.

15           (4) A practitioner, in good faith, may dispense a controlled  
 16 substance included in schedule 3, 4, or 5 that is a prescription  
 17 drug as determined under section 503(b) of the federal food, drug,  
 18 and cosmetic act, 21 USC 353, or section 17708, ~~upon~~**on** receipt of  
 19 ~~a~~**any of the following:**

20           (a) A prescription on a prescription form. ~~or an~~

21           (b) An oral prescription of a practitioner.

22           (c) **A prescription that is electronically transmitted under**  
 23 **section 17754a.**

24           (5) A prescription for a controlled substance included in  
 25 schedule 3 or 4 must not be filled or refilled without specific  
 26 refill instructions noted by the prescriber. A prescription for a  
 27 controlled substance included in schedule 3 or 4 must not be filled  
 28 or refilled later than 6 months after the date of the prescription  
 29 or be refilled more than 5 times, unless renewed by the prescriber



1 in accordance with rules promulgated by the administrator.

2 (6) ~~(5)~~—A controlled substance included in schedule 5 must not  
3 be distributed or dispensed other than for a medical purpose, or in  
4 any manner except in accordance with rules promulgated by the  
5 administrator.

6 (7) ~~(6)~~—If a prescription is required under this section, the  
7 prescription must contain the quantity of the controlled substance  
8 prescribed in both written and numerical terms. A prescription is  
9 in compliance with this subsection if, in addition to containing  
10 the quantity of the controlled substance prescribed in written  
11 terms, it contains preprinted numbers representative of the  
12 quantity of the controlled substance prescribed next to which is a  
13 box or line the prescriber may check.

14 (8) ~~(7)~~—A prescribing practitioner shall not use a  
15 prescription form for a purpose other than prescribing. A  
16 prescribing practitioner shall not postdate a prescription form  
17 that contains a prescription for a controlled substance. ~~A-Until~~  
18 **the date on which section 17754a applies, a** prescriber may transmit  
19 a prescription by facsimile of a printed prescription form and by  
20 electronic transmission of a printed prescription form, if not  
21 prohibited by federal law. If, with the patient's consent, a  
22 prescription is electronically transmitted **under this subsection,**  
23 it must be transmitted directly to a pharmacy of the patient's  
24 choice by the prescriber or the prescriber's authorized agent, and  
25 the data must not be altered, modified, or extracted in the  
26 transmission process.

27 (9) ~~(8)~~—Notwithstanding subsections (1) to ~~(5)~~, ~~(6)~~, a class B  
28 dealer may acquire a limited permit only for the purpose of buying,  
29 possessing, and administering a commercially prepared, premixed



1 solution of sodium pentobarbital to perform euthanasia on injured,  
2 sick, homeless, or unwanted domestic pets and other animals, if the  
3 class B dealer does all of the following:

4 (a) Applies to the administrator for a permit in accordance  
5 with rules promulgated under this part. The application must  
6 contain the name of the individual in charge of the day-to-day  
7 operations of the class B dealer's facilities and the name of the  
8 individual responsible for designating employees who will be  
9 performing euthanasia on animals pursuant to this act.

10 (b) Complies with the rules promulgated by the administrator  
11 for the storage, handling, and use of a commercially prepared,  
12 premixed solution of sodium pentobarbital to perform euthanasia on  
13 animals. The class B dealer shall maintain a record of use and  
14 shall make the record available for inspection by the department of  
15 licensing and regulatory affairs, the department of agriculture and  
16 rural development, and the United States Department of Agriculture.

17 (c) Subject to subdivision (d), certifies that the class B  
18 dealer or an employee of the class B dealer has received, and can  
19 document completion of, a minimum of 16 hours of training,  
20 including at least 12 hours of content training and at least 4  
21 hours of practical training, in the use of a commercially prepared,  
22 premixed solution of sodium pentobarbital and an animal  
23 tranquilizer to perform euthanasia on animals from a training  
24 program approved by the state veterinarian, in consultation with  
25 the Michigan board of veterinary medicine, and given by a licensed  
26 veterinarian pursuant to rules promulgated by the administrator.  
27 The training described in this subdivision ~~shall~~**must** comply with  
28 the American Veterinary Medical Association's guidelines for the  
29 euthanasia of animals.



1 (d) Until December 31, 2021, ensures that the class B dealer  
2 or an employee of the class B dealer who received, and can document  
3 the completion of, the 8 hours of training required immediately  
4 before the effective date of the 2018 amendatory act that amended  
5 ~~this section~~ **May 22, 2018** only administers a commercially prepared,  
6 premixed solution of sodium pentobarbital to perform euthanasia on  
7 the animals described in this subsection. Beginning January 1,  
8 2022, the individuals described in this subdivision must have  
9 received, and be able to document the completion of, the training  
10 described in subdivision (c) to administer a commercially prepared,  
11 premixed solution of sodium pentobarbital or an animal tranquilizer  
12 to perform euthanasia on the animals described in this subsection.

13 (e) Certifies that only an individual described in subdivision  
14 (c) or (d) or an individual otherwise permitted to use a controlled  
15 substance pursuant to this article will administer the commercially  
16 prepared, premixed solution of sodium pentobarbital or an animal  
17 tranquilizer according to written procedures established by the  
18 class B dealer.

19 (f) Beginning January 1, 2022, certifies that the individual  
20 in charge of the day-to-day operations of the class B dealer's  
21 facilities has received, and can document the completion of, the  
22 training described in subdivision (c).

23 (g) Complies with all state and federal laws, rules, and  
24 regulations regarding the acquisition, use, and security of  
25 controlled substances.

26 **(10)** ~~(9)~~ Notwithstanding subsections (1) to ~~(5)~~, **(6)**, an  
27 animal control shelter or animal protection shelter registered with  
28 the department of agriculture and rural development pursuant to  
29 1969 PA 287, MCL 287.331 to 287.340, may acquire a limited permit



1 only for the purpose of buying, possessing, and administering a  
2 commercially prepared, premixed solution of sodium pentobarbital,  
3 or an animal tranquilizer, to use exclusively as an adjunct in the  
4 process of performing euthanasia on injured, sick, homeless, or  
5 unwanted domestic pets and other animals, if the animal control  
6 shelter or animal protection shelter does all of the following:

7 (a) Applies to the administrator for a permit in accordance  
8 with rules promulgated under this part. The application must  
9 contain the name of the individual in charge of the day-to-day  
10 operations of the animal control shelter or animal protection  
11 shelter and the name of the individual responsible for designating  
12 employees who will be performing euthanasia on animals pursuant to  
13 this act.

14 (b) Complies with the rules promulgated by the administrator  
15 for the storage, handling, and use of a commercially prepared,  
16 premixed solution of sodium pentobarbital or an animal tranquilizer  
17 to perform euthanasia on animals. The animal control shelter or  
18 animal protection shelter shall maintain a record of use and make  
19 the record available for inspection by the department of licensing  
20 and regulatory affairs and the department of agriculture and rural  
21 development.

22 (c) Subject to subdivision (d), certifies that an employee of  
23 the animal control shelter or animal protection shelter has  
24 received, and can document completion of, a minimum of 16 hours of  
25 training, including at least 12 hours of content training and at  
26 least 4 hours of practical training, in the use of a commercially  
27 prepared, premixed solution of sodium pentobarbital and an animal  
28 tranquilizer to perform euthanasia on animals from a training  
29 program approved by the state veterinarian, in consultation with



1 the Michigan board of veterinary medicine, and given by a licensed  
2 veterinarian pursuant to rules promulgated by the administrator.  
3 The training described in this subdivision must comply with the  
4 American Veterinary Medical Association's guidelines for the  
5 euthanasia of animals.

6 (d) Until December 31, 2021, ensures that an employee of the  
7 animal control shelter or animal protection shelter who received,  
8 and can document the completion of, the training required  
9 immediately before ~~the effective date of the 2018 amendatory act~~  
10 ~~that amended this section~~ **May 22, 2018** only administers a  
11 commercially prepared solution of xylazine hydrochloride or a  
12 commercially prepared, premixed solution of sodium pentobarbital to  
13 perform euthanasia on the animals described in this subsection in  
14 accordance with his or her training. Beginning January 1, 2022, the  
15 employee described in this subdivision must have received, and be  
16 able to document the completion of, the training described in  
17 subdivision (c) to administer a commercially prepared, premixed  
18 solution of sodium pentobarbital or an animal tranquilizer to  
19 perform euthanasia on the animals described in this subsection.

20 (e) Certifies that only an individual described in subdivision  
21 (c) or (d) or an individual otherwise permitted to use a controlled  
22 substance pursuant to this article will administer a commercially  
23 prepared, premixed solution of sodium pentobarbital or an animal  
24 tranquilizer according to written procedures established by the  
25 animal control shelter or animal protection shelter.

26 (f) Beginning January 1, 2022, certifies that the individual  
27 in charge of the day-to-day operations of the animal control  
28 shelter or animal protection shelter has received, and can document  
29 the completion of, the training described in subdivision (c).





1 (g) Complies with all state and federal laws and regulations  
 2 regarding the acquisition, use, and security of controlled  
 3 substances.

4 **(11)** ~~(10)~~The application described in subsection ~~(8)~~ ~~or~~ (9)  
 5 **or (10)** must include the names and addresses of all individuals  
 6 employed by the animal control shelter or animal protection shelter  
 7 or class B dealer who have been trained as described in subsection  
 8 ~~(8)(e)~~, **(9)(c)**, (d), and (f) or ~~(9)(e)~~, **(10)(c)**, (d), and (f) and  
 9 the name of the veterinarian who trained them. The list of names  
 10 and addresses must be updated every 6 months.

11 **(12)** ~~(11)~~If an animal control shelter or animal protection  
 12 shelter or class B dealer issued a permit pursuant to subsection  
 13 ~~(8)~~ ~~or~~ (9) **or (10)** does not have in its employ an individual  
 14 trained as described in subsection ~~(8)(e)~~ **(9)(c)** or (d) and ~~(8)(f)~~,  
 15 **(9)(f)**, or ~~(9)(e)~~ **(10)(c)** or (d) and ~~(9)(f)~~, **(10)(f)**, the animal  
 16 control shelter or animal protection shelter or class B dealer  
 17 shall immediately notify the administrator and shall cease to  
 18 administer a commercially prepared, premixed solution of sodium  
 19 pentobarbital or an animal tranquilizer for the purposes described  
 20 in subsection ~~(8)~~ ~~or~~ (9) **or (10)** until the administrator is  
 21 notified that 1 of the following has occurred:

22 (a) An individual trained as described in subsection ~~(8)(e)~~,  
 23 **(9)(c)**, (d), or (f) or ~~(9)(e)~~, **(10)(c)**, (d), or (f) has been hired  
 24 by the animal control shelter or animal protection shelter or class  
 25 B dealer.

26 (b) An individual employed by the animal control shelter or  
 27 animal protection shelter or class B dealer has been trained as  
 28 described in subsection ~~(8)(e)~~ **(9)(c)** or (f) or ~~(9)(e)~~ **(10)(c)** or  
 29 (f).



1           **(13)** ~~(12)~~—A veterinarian, including a veterinarian who trains  
 2 individuals as described in subsection ~~(8)(e)~~, **(9)(c)**, (d), or (f),  
 3 or ~~(9)(e)~~, **(10)(c)**, (d), or (f), is not civilly or criminally  
 4 liable for the use of a commercially prepared, premixed solution of  
 5 sodium pentobarbital or an animal tranquilizer by an animal control  
 6 shelter or animal protection shelter or a class B dealer, unless  
 7 the veterinarian is employed by or under contract with the animal  
 8 control shelter or animal protection shelter or class B dealer and  
 9 the terms of the veterinarian's employment or the contract require  
 10 the veterinarian to be responsible for the use or administration of  
 11 the commercially prepared, premixed solution of sodium  
 12 pentobarbital or animal tranquilizer.

13           **(14)** ~~(13)~~—A person shall not knowingly use or permit the use  
 14 of a commercially prepared, premixed solution of sodium  
 15 pentobarbital or an animal tranquilizer in violation of this  
 16 section.

17           **(15)** ~~(14)~~—This section does not require that a veterinarian be  
 18 employed by or under contract with an animal control shelter or  
 19 animal protection shelter or class B dealer to obtain, possess, or  
 20 administer a commercially prepared, premixed solution of sodium  
 21 pentobarbital or an animal tranquilizer pursuant to this section.

22           **(16)** ~~(15)~~—Notwithstanding subsections (1) to ~~(5)~~, **(6)**, an  
 23 animal control shelter registered with the department of  
 24 agriculture and rural development pursuant to 1969 PA 287, MCL  
 25 287.331 to 287.340, may acquire a limited permit only for the  
 26 purpose of buying, possessing, and administering an animal  
 27 tranquilizer to sedate or immobilize an animal running at large  
 28 that is dangerous or difficult to capture, if the animal control  
 29 shelter does all of the following:



1 (a) Applies to the administrator for a permit in accordance  
2 with the rules promulgated under this part. The application must  
3 contain the name of the individual in charge of the day-to-day  
4 operations of the animal control shelter and the name of the  
5 individual responsible for designating employees who will be  
6 administering an animal tranquilizer pursuant to this act.

7 (b) Complies with the rules promulgated by the administrator  
8 for the storage, handling, and use of an animal tranquilizer. The  
9 animal control shelter shall maintain a record of use and shall  
10 make the record available for inspection by the department of  
11 licensing and regulatory affairs and the department of agriculture  
12 and rural development.

13 (c) Subject to subdivision (d), certifies that an employee of  
14 the animal control shelter has received, and can document  
15 completion of, both of the following in the following order:

16 (i) The training described in subsection ~~(9)(e)~~ **(10)(c)**.

17 (ii) A minimum of 16 hours of training, including at least 12  
18 hours of content training and at least 4 hours of practical  
19 training, in the use of animal tranquilizers to sedate or  
20 immobilize the animals described in this subsection from a training  
21 program approved by the state veterinarian, in consultation with  
22 the Michigan board of veterinary medicine, and given by a licensed  
23 veterinarian pursuant to rules promulgated by the administrator.

24 (d) Until December 31, 2021, ensures that an employee of the  
25 animal control shelter who received, and can document the  
26 completion of, the training required immediately before ~~the~~  
27 ~~effective date of the 2018 amendatory act that amended this section~~  
28 **May 22, 2018** only administers a commercially prepared solution of  
29 xylazine hydrochloride to sedate or immobilize the animals



1 described in this subsection. Beginning January 1, 2022, the  
 2 employee described in this subdivision must have received, and be  
 3 able to document the completion of, the training described in  
 4 subdivision (c) to administer an animal tranquilizer to perform  
 5 euthanasia on the animals described in this subsection.

6 (e) Certifies that only an individual described in subdivision  
 7 (c) or (d) or an individual otherwise permitted to use a controlled  
 8 substance pursuant to this article will administer an animal  
 9 tranquilizer according to written procedures established by the  
 10 animal control shelter.

11 (f) Beginning January 1, 2022, certifies that the individual  
 12 in charge of the day-to-day operations of the animal control  
 13 shelter has received, and can document the completion of, the  
 14 training described in subdivision (c).

15 (g) Complies with all state and federal laws, rules, and  
 16 regulations regarding the acquisition, use, and security of  
 17 controlled substances.

18 **(17)** ~~(16)~~—The application described in subsection ~~(15)~~—**(16)**  
 19 must include the names and business addresses of all individuals  
 20 employed by the animal control shelter who have been trained as  
 21 described in subsection ~~(15)(e)~~, **(16)(c)**, (d), and (f) and must  
 22 include documented proof of the training. The list of names and  
 23 business addresses must be updated every 6 months.

24 **(18)** ~~(17)~~—If an animal control shelter issued a permit  
 25 pursuant to subsection ~~(15)~~—**(16)** does not have in its employ an  
 26 individual trained as described in subsection ~~(15)(e)~~, **(16)(c)** or  
 27 (d) and ~~(15)(f)~~, **(16)(f)**, the animal control shelter shall  
 28 immediately notify the administrator and shall cease to administer  
 29 an animal tranquilizer for the purposes described in subsection



1 ~~(15)~~-(16) until the administrator is notified that 1 of the  
2 following has occurred:

3 (a) An individual trained as described in subsection ~~(15)(e)~~,  
4 (16) (c), (d), or (f) has been hired by the animal control shelter.

5 (b) An individual employed by the animal control shelter has  
6 been trained as described in subsection ~~(15)(e)~~-(16) (c) or (f).

7 (19) ~~(18)~~-A veterinarian, including a veterinarian who trains  
8 individuals as described in subsection ~~(15)(e)~~,-(16) (c), (d), or  
9 (f), is not civilly or criminally liable for the use of an animal  
10 tranquilizer by an animal control shelter unless the veterinarian  
11 is employed by or under contract with the animal control shelter  
12 and the terms of the veterinarian's employment or the contract  
13 require the veterinarian to be responsible for the use or  
14 administration of an animal tranquilizer.

15 (20) ~~(19)~~-As used in this section:

16 (a) "Animal tranquilizer" means a commercially prepared  
17 solution of xylazine hydrochloride, a commercially prepared  
18 solution of ketamine, or a commercially prepared compound  
19 containing tiletamine and zolazepam.

20 (b) "Class B dealer" means a class B dealer licensed by the  
21 United States Department of Agriculture pursuant to the animal  
22 welfare act, 7 USC 2131 to ~~2159~~-2160 and the department of  
23 agriculture and rural development pursuant to 1969 PA 224, MCL  
24 287.381 to 287.395.

25 Sec. 16226. (1) After finding the existence of 1 or more of  
26 the grounds for disciplinary subcommittee action listed in section  
27 16221, a disciplinary subcommittee shall impose 1 or more of the  
28 following sanctions for each violation:

29 Violations of Section 16221 Sanctions



1	Subdivision (a), (b) (i),	Probation, limitation, denial,
2	(b) (ii), (b) (iii), (b) (iv),	suspension, revocation,
3	(b) (v), (b) (vi), (b) (vii),	permanent revocation,
4	(b) (ix), (b) (x), (b) (xi),	restitution, or fine.
5	or (b) (xii)	
6		
7	Subdivision (b) (viii)	Revocation, permanent revocation,
8		or denial.
9		
10	Subdivision (b) (xiii)	Permanent revocation
11		for a violation described in
12		subsection (5); otherwise,
13		probation, limitation, denial,
14		suspension, revocation,
15		restitution, or fine.
16		
17	Subdivision (b) (xiv)	Permanent revocation.
18		
19	Subdivision (c) (i)	Denial, revocation, suspension,
20		probation, limitation, or fine.
21		
22	Subdivision (c) (ii)	Denial, suspension, revocation,
23		restitution, or fine.
24		
25	Subdivision (c) (iii)	Probation, denial, suspension,
26		revocation, restitution, or fine.
27		
28	Subdivision (c) (iv)	Fine, probation, denial,

1	or (d) <i>(iii)</i>	suspension, revocation, permanent
2		revocation, or restitution.
3		
4	Subdivision (d) <i>(i)</i>	Reprimand, fine, probation,
5	or (d) <i>(ii)</i>	denial, or restitution.
6		
7	Subdivision (e) <i>(i)</i> ,	Reprimand, fine, probation,
8	(e) <i>(iii)</i> , (e) <i>(iv)</i> , (e) <i>(v)</i> ,	limitation, suspension,
9	(h), or (s)	revocation, permanent revocation,
10		denial, or restitution.
11		
12	Subdivision (e) <i>(ii)</i>	Reprimand, probation, suspension,
13	or <del><i>(i)</i></del> <i>(i)</i>	revocation, permanent
14		revocation, restitution,
15		denial, or fine.
16		
17	Subdivision (e) <i>(vi)</i> ,	Probation, suspension, revocation,
18	(e) <i>(vii)</i> , or (e) <i>(viii)</i>	limitation, denial,
19		restitution, or fine.
20		
21	Subdivision (f)	Reprimand, denial, limitation,
22		probation, or fine.
23		
24	Subdivision (g)	Reprimand or fine.
25		
26	Subdivision (j)	Suspension or fine.
27		
28	Subdivision (k), (p),	Reprimand, probation, suspension,







1 registered.

2 (6) Except as otherwise provided in subsection (5) and this  
3 subsection, a disciplinary subcommittee shall not impose the  
4 sanction of permanent revocation under this section without a  
5 finding that the licensee or registrant engaged in a pattern of  
6 intentional acts of fraud or deceit resulting in personal financial  
7 gain to the licensee or registrant and harm to the health of  
8 patients under the licensee's or registrant's care. This subsection  
9 does not apply if a disciplinary subcommittee finds that a licensee  
10 or registrant has violated section 16221(b) (xiv) .

11 (7) **A disciplinary subcommittee shall impose a fine of not  
12 more than \$250.00 for each violation of section 16221(y) .**

13 **Sec. 16322. (1) Until the effective date of the rules  
14 promulgated under section 16525 regarding licensure, fees for an  
15 individual who is registered or seeking registration as an  
16 acupuncturist under part 165 are as follows:**

- 17 (a) **Application processing fee.....\$ 75.00**
- 18 (b) **Registration fee, per year.....\$ 200.00**

19 (2) ~~Fees~~**Beginning on the effective date of the rules  
20 promulgated under section 16525 regarding licensure, fees** for an  
21 individual who is licensed or seeking licensure to engage in the  
22 practice of acupuncture under part 165 are as follows:

- 23 (a) Application processing fee..... \$ 75.00
- 24 (b) License fee, per year..... \$ 200.00
- 25 (c) Limited license, per year..... \$ 200.00
- 26 (d) Temporary license fee..... \$ 200.00

27 **Sec. 16501. (1) As used in this part:**

28 (a) "Acupressure" means a form of manual therapy in which  
29 physical pressure is applied to various points on the body.



1 (b) "Acupuncture" means the insertion and manipulation of  
2 needles through the surface of the human body. Acupuncture  
3 includes, but is not limited to, laser acupuncture,  
4 electroacupuncture, pricking therapy, dry needling, and  
5 intramuscular stimulation.

6 (c) "Acupuncturist" means an individual who is licensed under  
7 this part to engage in the practice of acupuncture.

8 (d) "Cupping" means the placement of a specially designed cup  
9 on the body to create suction.

10 (e) "Dermal friction" means the use of repeated, closely  
11 timed, unidirectional press-stroking with a smooth-edged instrument  
12 over a lubricated area of the body.

13 (f) "Dietary counseling" means the process of advising a  
14 patient about healthy food choices and healthy eating habits in  
15 accordance with East Asian medical theory.

16 (g) "Dry needling" means a rehabilitative procedure using  
17 filiform needles to penetrate the skin or underlying tissues by  
18 targeting only myofascial trigger points and muscular and  
19 connective tissues to affect change in body structures and  
20 functions for the evaluation and management of neuromusculoskeletal  
21 pain and movement impairment. Dry needling does not include the  
22 stimulation of auricular points or other acupuncture points.

23 (h) "East Asian medicine techniques" includes, but is not  
24 limited to, acupuncture, manual therapy, moxibustion, heat therapy,  
25 dietary counseling, therapeutic exercise, acupressure, cupping,  
26 dermal friction, homeopathy, lifestyle coaching, and treatment with  
27 herbal medicines.

28 (i) "Heat therapy" means the use of heat in therapy, such as  
29 for pain relief and health.



1 (j) "Herbal medicine" means the internal and external use of a  
2 plant or a plant extract, a mineral, or an animal product, that is  
3 not a prescription drug as that term is defined in section 17708.

4 (k) "Homeopathy" means the use of a highly diluted natural  
5 remedy from the plant, mineral, and animal domain.

6 (l) "Lifestyle coaching" means the process of advising a  
7 patient about healthy lifestyle choices and habits in accordance  
8 with East Asian medical theory.

9 (m) "Manual therapy" means the application of an accurately  
10 determined and specifically directed manual force to the body,  
11 excluding a high-velocity, low-amplitude thrust to the spine.

12 (n) "Moxibustion" means burning the dried plant *Artemisia*  
13 *vulgaris* on or very near the surface of the skin as a form of  
14 therapy.

15 (o) "Practice of acupuncture", subject to subsection (2),  
16 means the use of traditional and contemporary East Asian medical  
17 theory to assess and diagnose a patient, to develop a plan to treat  
18 the patient, and to treat the patient through East Asian medicine  
19 techniques.

20 (p) "Practice of chiropractic" means that term as defined in  
21 section 16401.

22 (q) "Practice of massage therapy" means that term as defined  
23 in section 17951.

24 (r) "Practice of medicine" means that term as defined in  
25 section 17001.

26 (s) "Practice of osteopathic medicine and surgery" means that  
27 term as defined in section 17501.

28 (t) "Practice of physical therapy" means that term as defined  
29 in section 17801.



1 (u) "Registered acupuncturist" means an individual who is  
 2 registered or otherwise authorized under this part before the  
 3 effective date of the ~~amendatory act that added section 16513.~~**rules**  
 4 **promulgated under section 16525 regarding licensure.**

5 (v) "Systematic acupuncture education" means a course of  
 6 education that covers the foundation of acupuncture science and  
 7 theory, channel and point location, needling techniques, approaches  
 8 to diagnosis and therapy, and patient management.

9 (w) "Therapeutic exercise" means a range of physical  
 10 activities that help restore and build physical strength,  
 11 endurance, flexibility, balance, and stability.

12 (2) For purposes of this part, practice of acupuncture does  
 13 not include the practice of medicine, the practice of osteopathic  
 14 medicine and surgery, the practice of physical therapy, the  
 15 practice of occupational therapy, the practice of podiatric  
 16 medicine and podiatric surgery, the practice of nursing, the  
 17 practice of dentistry, the practice of massage therapy, or the  
 18 practice of chiropractic.

19 (3) In addition to the definitions in this part, article 1  
 20 contains general definitions and principles of construction  
 21 applicable to all articles in the code and part 161 contains  
 22 definitions applicable to this part.

23 Sec. 16511. (1) Except as otherwise provided in this part,  
 24 beginning on the effective date of rules promulgated under section  
 25 16525 regarding licensure, an individual shall not use the words,  
 26 titles, or letters "acupuncturist", "certified acupuncturist",  
 27 "registered acupuncturist", "licensed acupuncturist", "L.Ac.", or a  
 28 similar word or initial that indicates that the individual is an  
 29 acupuncturist, unless he or she is authorized under this part to



1 use the terms and in a way prescribed in this part. **However, for a**  
 2 **period not to exceed 36 months from the effective date of the rules**  
 3 **promulgated under section 16525 regarding licensure, a registered**  
 4 **acupuncturist may, without a license under this part, continue to**  
 5 **use the titles "acupuncturist", "registered acupuncturist", or**  
 6 **"certified acupuncturist" and engage in the practice of**  
 7 **acupuncture.**

8 (2) **Until the effective date of the rules promulgated under**  
 9 **section 16525 regarding licensure, an individual shall not use the**  
 10 **words, titles, or letters "acupuncturist", "certified**  
 11 **acupuncturist", or "registered acupuncturist", or a combination of**  
 12 **the words, titles, or letters, with or without qualifying words or**  
 13 **phrases, unless he or she is registered under this part.**

14 (3) **Until the effective date of the rules promulgated under**  
 15 **section 16525 regarding licensure, neither of the following is**  
 16 **subject to this part:**

17 (a) **A physician who is licensed under part 170 or part 175.**

18 (b) **An individual who is certified by the National Acupuncture**  
 19 **Detoxification Association.**

20 Sec. 16513. (1) **Beginning on the effective date of rules**  
 21 **promulgated under section 16525 regarding licensure, an individual**  
 22 **shall not engage in the practice of acupuncture unless he or she is**  
 23 **licensed under this part or is otherwise authorized under this**  
 24 **article. ~~For a period not to exceed 36 months from the effective~~**  
 25 **~~date of the rules promulgated under section 16525 regarding~~**  
 26 **~~licensure, a registered acupuncturist may, without a license under~~**  
 27 **~~this part, continue to use the titles "acupuncturist", "registered~~**  
 28 **~~acupuncturist", or "certified acupuncturist" and engage in the~~**  
 29 **~~practice of acupuncture.~~**



1           (2) In addition to the exemptions from licensure under section  
2 16171, **beginning on the effective date of the rules promulgated**  
3 **under section 16525 regarding licensure**, this part does not apply  
4 to any of the following:

5           (a) Except as otherwise provided in subdivision (e), an  
6 individual licensed, registered, or otherwise authorized under any  
7 other part or act who is performing activities that are considered  
8 to be within the practice of acupuncture if those activities are  
9 within the individual's scope of practice and the individual does  
10 not use the words, titles, or letters protected under section  
11 16511.

12           (b) A physician who is licensed under part 170 or part 175 if  
13 the physician has completed a total of not less than 300 hours of  
14 systematic acupuncture education that include not less than 100  
15 hours of live lectures, demonstrations, and supervised clinical  
16 training specific to acupuncture.

17           (c) An individual who meets all of the following requirements:

18           (i) He or she meets the requirements for a certificate of  
19 training as an acupuncture detoxification specialist issued by the  
20 National Acupuncture Detoxification Association or an organization  
21 that the board determines is a successor organization.

22           (ii) He or she only uses the auricular protocol for substance  
23 use disorder prevention and treatment developed by the National  
24 Acupuncture Detoxification Association or an organization that the  
25 board determines is a successor organization.

26           (iii) When using the protocol described in subparagraph (ii), he  
27 or she is under the supervision of an acupuncturist or a physician  
28 licensed under part 170 or part 175.

29           (iv) He or she does not use the words, titles, or letters



1 protected under section 16511.

2 (d) An individual performing acupuncture, cupping, dermal  
3 friction, dietary counseling, heat therapy, herbal medicine,  
4 homeopathy, lifestyle coaching, manual therapy, or therapeutic  
5 exercise, while engaged in the practice of a profession with  
6 established standards and ethics and as long as those services are  
7 not designated as or implied to be the practice of acupuncture and  
8 the individual does not use the titles, words, or letters protected  
9 under section 16511.

10 (e) Dry needling by an individual licensed, registered, or  
11 otherwise authorized under any other part if dry needling is within  
12 the individual's scope of practice.

13 Sec. 16521. (1) The Michigan board of acupuncture is created  
14 in the department and consists of the following 13 voting members,  
15 each of whom must meet the requirements of part 161:

16 (a) Seven acupuncturists **or, until 36 months after the**  
17 **effective date of the rules promulgated under section 16525, 7**  
18 **registered acupuncturists.** The members appointed under this  
19 subdivision must meet the requirements of section 16135.

20 (b) Three physicians licensed under part 170 or 175, at least  
21 1 of whom has met the requirement in section 16513(2)(b).

22 (c) Three public members.

23 (2) The terms of office of individual members of the board  
24 created under this part, except those appointed to fill vacancies,  
25 expire on June 30 of the year in which the term expires pursuant to  
26 section 16122.

27 Sec. 16525. ~~(1) Within 12 months after the effective date of~~  
28 ~~the amendatory act that amended this section, **By March 4, 2021,** the~~  
29 department, in consultation with the board, shall promulgate rules





1 that establish the minimum standards for licensure as an  
 2 acupuncturist and implement the licensure program for the practice  
 3 of acupuncture. In promulgating rules for purposes of section  
 4 16515(1), the department, in consultation with the board, may adopt  
 5 by reference the professional standards issued by a certified  
 6 program that is recognized by the National Commission for  
 7 Certifying Agencies. In promulgating rules for purposes of section  
 8 16515(2)(b), the department, in consultation with the board, shall  
 9 consider whether an applicant has completed systematic acupuncture  
 10 education that includes live lectures, demonstrations, and  
 11 supervised clinical training specific to acupuncture.

12 **(2) The rules in effect on March 3, 2020 regarding the**  
 13 **registration of acupuncturists remain in effect until the effective**  
 14 **date of the rules promulgated under subsection (1).**

15 Sec. 16529. This part does not require new or additional third  
 16 party reimbursement or mandated worker's compensation benefits for  
 17 services by an individual **registered or** licensed as an  
 18 acupuncturist under this part.

19 Sec. 17744. (1) A prescriber may designate an agent to act on  
 20 behalf of or at the discretion of that prescriber. A designation of  
 21 an agent by a prescriber under this section is not required to be  
 22 in writing to be a valid designation. If a designation of an agent  
 23 by a prescriber under this section is contained in a written  
 24 document, the prescriber or the agent may transmit that document to  
 25 a pharmacy that will dispense a prescription issued by that  
 26 prescriber.

27 (2) Only a prescriber acting within the scope of his or her  
 28 practice may issue a prescription. An agent may prepare and  
 29 transmit a prescription that has been signed by the prescriber,



1 including a signature that meets the requirements of section 17754  
 2 **or 17754a**. The prescriber issuing a prescription and the pharmacist  
 3 dispensing a drug or device under a prescription is responsible for  
 4 all of the requirements of state and federal law, rules, and  
 5 regulations regarding the issuance of prescriptions and dispensing  
 6 of drugs or devices under prescriptions.

7 (3) A prescriber or his or her agent may transmit to a  
 8 pharmacy a prescription that is contained within a patient's chart  
 9 in a health facility or agency licensed under article 17 or other  
 10 medical institution. A prescription that is contained within a  
 11 patient's chart in a health facility or agency licensed under  
 12 article 17 or other medical institution and that is created in an  
 13 electronic format may contain more than 6 prescriptions and may  
 14 contain prescriptions for schedule 3 through 5 controlled  
 15 substances and noncontrolled substances on the same form.

16 Sec. 17751. (1) A pharmacist shall not dispense a drug  
 17 requiring a prescription under the federal act or a law of this  
 18 state except under authority of an original prescription or an  
 19 equivalent record of an original prescription approved by the  
 20 board. A pharmacist described in section 17742b(2) may dispense a  
 21 drug pursuant to an original prescription received at a remote  
 22 pharmacy if the pharmacist receives, reviews, and verifies an exact  
 23 digital image of the prescription received at the remote pharmacy  
 24 before the drug is dispensed at the remote pharmacy.

25 (2) Subject to subsections (1) and (5), a pharmacist may  
 26 dispense a prescription written and signed; written or created in  
 27 an electronic format, signed, and transmitted by facsimile; or  
 28 transmitted electronically or by other means of communication by a  
 29 physician prescriber, dentist prescriber, or veterinarian



1 prescriber in another state, but not including a prescription for a  
 2 controlled substance except under circumstances described in  
 3 section 17763(e), only if the pharmacist in the exercise of his or  
 4 her professional judgment determines all of the following:

5 (a) Except as otherwise authorized under section 5110, 17744a,  
 6 or 17744b, if the prescriber is a physician or dentist, that the  
 7 prescription was issued pursuant to an existing physician-patient  
 8 or dentist-patient relationship.

9 (b) That the prescription is authentic.

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

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

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

17 (5) A pharmacist shall not dispense a drug or device under a  
 18 prescription transmitted by facsimile or created in electronic  
 19 format and printed out for use by the patient unless the document  
 20 is manually signed by the prescriber. This subsection does not  
 21 apply to any of the following:

22 (a) A prescription that is transmitted by a computer to a  
 23 facsimile machine if that prescription complies with section 17754  
 24 **or 17754a.**

25 (b) A prescription that is received by a remote pharmacy and  
 26 made available to a pharmacist described in section 17742b(2) for  
 27 review and verification in the manner required under subsection  
 28 (1).

29 (6) After consultation with and agreement from the prescriber,



1 a pharmacist may add or change a patient's address, a dosage form,  
2 a drug strength, a drug quantity, a direction for use, or an issue  
3 date with regard to a prescription. A pharmacist shall note the  
4 details of the consultation and agreement required under this  
5 subsection on the prescription or, if the drug is dispensed at a  
6 remote pharmacy, on the digital image of the prescription described  
7 in subsection (1), and shall maintain that documentation with the  
8 prescription as required in section 17752. A pharmacist shall not  
9 change the patient's name, controlled substance prescribed unless  
10 authorized to dispense a lower cost generically equivalent drug  
11 product under section 17755, or the prescriber's signature with  
12 regard to a prescription.

13 (7) A prescription that is contained within a patient's chart  
14 in a health facility or agency licensed under article 17 or other  
15 medical institution and that is transmitted to a pharmacy under  
16 section 17744 is the original prescription. If all other  
17 requirements of this part are met, a pharmacist shall dispense a  
18 drug or device under a prescription described in this subsection. A  
19 pharmacist may dispense a drug or device under a prescription  
20 described in this subsection even if the prescription does not  
21 contain the quantity ordered. If a prescription described in this  
22 subsection does not contain the quantity ordered, the pharmacist  
23 shall consult with the prescriber to determine an agreed-upon  
24 quantity. The pharmacist shall record the quantity dispensed on the  
25 prescription and shall maintain that documentation with the  
26 prescription as required in section 17752.

27 (8) If, after consulting with a patient, a pharmacist  
28 determines in the exercise of his or her professional judgment that  
29 dispensing additional quantities of a prescription drug is



1 appropriate for the patient, the pharmacist may dispense, at one  
2 time, additional quantities of the prescription drug up to the  
3 total number of dosage units authorized by the prescriber on the  
4 original prescription for the patient and any refills of the  
5 prescription. Except for a controlled substance included in  
6 schedule 5 that does not contain an opioid, this subsection does  
7 not apply to a prescription for a controlled substance.

8 Enacting section 1. This amendatory act does not take effect  
9 unless all of the following bills of the 100th Legislature are  
10 enacted into law:

11 (a) Senate Bill No. 254.

12 (b) House Bill No. 4217.

