Act No. 136
Public Acts of 2020
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STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020

Introduced by Senators Johnson, Daley, Hollier, Geiss and Bayer

ENROLLED SENATE BILL No. 248

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," 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:

Sec. 7333. (1) As used in this section, "good faith" means the prescribing or dispensing of a controlled substance by a practitioner licensed under section 7303 in the regular course of professional treatment to or for an individual who is under treatment by the practitioner for a pathology or condition other than that individual's physical or psychological dependence on or addiction to a controlled substance, except as provided in this article. Application of good faith to a pharmacist means the dispensing of a controlled substance pursuant to a prescriber's order which, in the professional judgment of the pharmacist, is lawful. The pharmacist shall be guided by nationally accepted professional standards including, but not limited to, all of the following, in making the judgment:

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

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

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

(d) Unusual dosages.

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

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

(a) A prescription of a practitioner licensed under section 7303 on a prescription form. More than 1 prescription for a controlled substance included in schedule 2 may be included on a single prescription form.

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

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

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

(a) A prescription on a prescription form.

(b) An oral prescription of a practitioner.

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

(5) A prescription for a controlled substance included in schedule 3 or 4 must not be filled or refilled without specific refill instructions noted by the prescriber. A prescription for a controlled substance included in schedule 3 or 4 must not be filled or refilled later than 6 months after the date of the prescription or be refilled more than 5 times, unless renewed by the prescriber in accordance with rules promulgated by the administrator.

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

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

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

(9) Notwithstanding subsections (1) to (6), a class B dealer may acquire a limited permit only for the purpose of buying, possessing, and administering a commercially prepared, premixed solution of sodium pentobarbital to perform euthanasia on injured, sick, homeless, or unwanted domestic pets and other animals, if the class B dealer does all of the following:

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

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

(c) Subject to subdivision (d), certifies that the class B dealer or an employee of the class B dealer has received, and can document completion of, a minimum of 16 hours of training, including at least 12 hours of content training and at least 4 hours of practical training, in the use of a commercially prepared, premixed solution of sodium

pentobarbital and an animal tranquilizer to perform euthanasia on animals from a training program approved by the state veterinarian, in consultation with the Michigan board of veterinary medicine, and given by a licensed veterinarian pursuant to rules promulgated by the administrator. The training described in this subdivision must comply with the American Veterinary Medical Association's guidelines for the euthanasia of animals.

(d) Until December 31, 2021, ensures that the class B dealer or an employee of the class B dealer who received, and can document the completion of, the 8 hours of training required immediately before May 22, 2018 only administers a commercially prepared, premixed solution of sodium pentobarbital to perform euthanasia on the animals described in this subsection. Beginning January 1, 2022, the individuals described in this subdivision must have received, and be able to document the completion of, the training described in subdivision (c) to administer a commercially prepared, premixed solution of sodium pentobarbital or an animal tranquilizer to perform euthanasia on the animals described in this subsection.

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

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

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

(10) Notwithstanding subsections (1) to (6), an animal control shelter or animal protection shelter registered with the department of agriculture and rural development pursuant to 1969 PA 287, MCL 287.331 to 287.340, may acquire a limited permit only for the purpose of buying, possessing, and administering a commercially prepared, premixed solution of sodium pentobarbital, or an animal tranquilizer, to use exclusively as an adjunct in the process of performing euthanasia on injured, sick, homeless, or unwanted domestic pets and other animals, if the animal control shelter or animal protection shelter does all of the following:

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

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

(c) Subject to subdivision (d), certifies that an employee of the animal control shelter or animal protection shelter has received, and can document completion of, a minimum of 16 hours of training, including at least 12 hours of content training and at least 4 hours of practical training, in the use of a commercially prepared, premixed solution of sodium pentobarbital and an animal tranquilizer to perform euthanasia on animals from a training program approved by the state veterinarian, in consultation with the Michigan board of veterinary medicine, and given by a licensed veterinarian pursuant to rules promulgated by the administrator. The training described in this subdivision must comply with the American Veterinary Medical Association's guidelines for the euthanasia of animals.

(d) Until December 31, 2021, ensures that an employee of the animal control shelter or animal protection shelter who received, and can document the completion of, the training required immediately before May 22, 2018 only administers a commercially prepared solution of xylazine hydrochloride or a commercially prepared, premixed solution of sodium pentobarbital to perform euthanasia on the animals described in this subsection in accordance with his or her training. Beginning January 1, 2022, the employee described in this subdivision must have received, and be able to document the completion of, the training described in subdivision (c) to administer a commercially prepared, premixed solution of sodium pentobarbital or an animal tranquilizer to perform euthanasia on the animals described in this subsection.

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

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

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

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

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

(a) An individual trained as described in subsection (9)(c), (d), or (f) or (10)(c), (d), or (f) has been hired by the animal control shelter or animal protection shelter or class B dealer.

(b) An individual employed by the animal control shelter or animal protection shelter or class B dealer has been trained as described in subsection (9)(c) or (f) or (10)(c) or (f).

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

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

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

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

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

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

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

(*i*) The training described in subsection (10)(c).

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

(d) Until December 31, 2021, ensures that an employee of the animal control shelter who received, and can document the completion of, the training required immediately before May 22, 2018 only administers a commercially prepared solution of xylazine hydrochloride to sedate or immobilize the animals described in this subsection. Beginning January 1, 2022, the employee described in this subdivision must have received, and be able to document the completion of, the training described in subdivision (c) to administer an animal tranquilizer to perform euthanasia on the animals described in this subsection.

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

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

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

(17) The application described in subsection (16) must include the names and business addresses of all individuals employed by the animal control shelter who have been trained as described in subsection (16)(c), (d), and (f) and must include documented proof of the training. The list of names and business addresses must be updated every 6 months.

(18) If an animal control shelter issued a permit pursuant to subsection (16) does not have in its employ an individual trained as described in subsection (16)(c) or (d) and (16)(f), the animal control shelter shall immediately notify the administrator and shall cease to administer an animal tranquilizer for the purposes described in subsection (16) until the administrator is notified that 1 of the following has occurred:

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

(b) An individual employed by the animal control shelter has been trained as described in subsection (16)(c) or (f).

(19) A veterinarian, including a veterinarian who trains individuals as described in subsection (16)(c), (d), or (f), is not civilly or criminally liable for the use of an animal tranquilizer by an animal control shelter unless the veterinarian is employed by or under contract with the animal control shelter and the terms of the veterinarian's employment or the contract require the veterinarian to be responsible for the use or administration of an animal tranquilizer.

(20) As used in this section:

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

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

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

Violations of Section 16221	Sanctions
Subdivision (a), (b)(*i*), (b)(*ii*), (b)(*iii*), (b)(*iv*), (b)(*v*), (b)(*vi*), (b)(*vii*), (b)(*ix*), (b)(*x*), (b)(*xi*), or (b)(*xii*)	Probation, limitation, denial, suspension, revocation, permanent revocation, restitution, or fine.
Subdivision (b)(*viii*)	Revocation, permanent revocation, or denial.
Subdivision (b)(*xiii*)	Permanent revocation for a violation described in subsection (5); otherwise, probation, limitation, denial, suspension, revocation, restitution, or fine.
Subdivision (b)(*xiv*)	Permanent revocation.
Subdivision (c)(*i*)	Denial, revocation, suspension, probation, limitation, or fine.
Subdivision (c)(*ii*)	Denial, suspension, revocation, restitution, or fine.
Subdivision (c)(*iii*)	Probation, denial, suspension, revocation, restitution, or fine.
Subdivision (c)(*iv*) or (d)(*iii*)	Fine, probation, denial, suspension, revocation, permanent revocation, or restitution.
Subdivision (d)(*i*) or (d)(*ii*)	Reprimand, fine, probation, denial, or restitution.
Subdivision (e)(*i*), (e)(*iii*), (e)(*iv*), (e)(*v*), (h), or (s)	Reprimand, fine, probation, limitation, suspension, revocation, permanent revocation, denial, or restitution.
Subdivision (e)(*ii*) or (i)	Reprimand, probation, suspension, revocation, permanent revocation, restitution, denial, or fine.

Subdivision (e)(*vi*), (e)(*vii*), or (e)(*viii*)	Probation, suspension, revocation, limitation, denial, restitution, or fine.
Subdivision (f)	Reprimand, denial, limitation, probation, or fine.
Subdivision (g)	Reprimand or fine.
Subdivision (j)	Suspension or fine.
Subdivision (k), (p), or (r)	Reprimand, probation, suspension, revocation, permanent revocation, or fine.
Subdivision (*l*)	Reprimand, denial, or limitation.
Subdivision (m) or (o)	Denial, revocation, restitution, probation, suspension, limitation, reprimand, or fine.
Subdivision (n)	Revocation or denial.
Subdivision (q)	Revocation.
Subdivision (t)	Revocation, permanent revocation, fine, or restitution.
Subdivision (u)	Denial, revocation, probation, suspension, limitation, reprimand, or fine.
Subdivision (v) or (x)	Probation, limitation, denial, fine, suspension, revocation, or permanent revocation.
Subdivision (w)	Denial, fine, reprimand, probation, limitation, suspension, revocation, or permanent revocation.
Subdivision (y)	Subject to subsection (7), fine.

(2) Determination of sanctions for violations under this section shall be made by a disciplinary subcommittee. If, during judicial review, the court of appeals determines that a final decision or order of a disciplinary subcommittee prejudices substantial rights of the petitioner for 1 or more of the grounds listed in section 106 of the administrative procedures act of 1969, MCL 24.306, and holds that the final decision or order is unlawful and is to be set aside, the court shall state on the record the reasons for the holding and may remand the case to the disciplinary subcommittee for further consideration.

(3) A disciplinary subcommittee may impose a fine in an amount that does not exceed $250,000.00 for a violation of section 16221(a) or (b). A disciplinary subcommittee shall impose a fine of at least $25,000.00 if the violation of section 16221(a) or (b) results in the death of 1 or more patients.

(4) A disciplinary subcommittee may require a licensee or registrant or an applicant for licensure or registration who has violated this article, article 7, or article 8 or a rule promulgated under this article, article 7, or article 8 to satisfactorily complete an educational program, a training program, or a treatment program, a mental, physical, or professional competence examination, or a combination of those programs and examinations.

(5) A disciplinary subcommittee shall impose the sanction of permanent revocation for a violation of section 16221(b)(*xiii*) if the violation occurred while the licensee or registrant was acting within the health profession for which he or she was licensed or registered.

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

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

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

(a) Application processing fee	$ 75.00
(b) Registration fee, per year	$ 200.00

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

(a) Application processing fee	$ 75.00
(b) License fee, per year	$ 200.00

(c) Limited license, per year..... $ 200.00

(d) Temporary license fee..... $ 200.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(u) "Registered acupuncturist" means an individual who is registered or otherwise authorized under this part before the effective date of the rules promulgated under section 16525 regarding licensure.

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

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

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

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

Sec. 16511. (1) Except as otherwise provided in this part, beginning on the effective date of rules promulgated under section 16525 regarding licensure, an individual shall not use the words, titles, or letters "acupuncturist", "certified acupuncturist", "registered acupuncturist", "licensed acupuncturist", "L.Ac.", or a similar word or initial that indicates that the individual is an acupuncturist, unless he or she is authorized under this part to use the terms and in a way prescribed in this part. However, for a period not to exceed 36 months from the effective date of the rules promulgated under section 16525 regarding licensure, a registered acupuncturist may, without a license under this part, continue to use the titles "acupuncturist", "registered acupuncturist", or "certified acupuncturist" and engage in the practice of acupuncture.

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

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

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

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

Sec. 16513. (1) Beginning on the effective date of rules promulgated under section 16525 regarding licensure, an individual shall not engage in the practice of acupuncture unless he or she is licensed under this part or is otherwise authorized under this article.

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

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

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

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

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

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

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

(*iv*) He or she does not use the words, titles, or letters protected under section 16511.

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

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

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

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

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

(c) Three public members.

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

Sec. 16525. (1) By March 4, 2021, the department, in consultation with the board, shall promulgate rules that establish the minimum standards for licensure as an acupuncturist and implement the licensure program for the practice of acupuncture. In promulgating rules for purposes of section 16515(1), the department, in consultation with the board, may adopt by reference the professional standards issued by a certified program that is recognized by the National Commission for Certifying Agencies. In promulgating rules for purposes of section 16515(2)(b), the department, in consultation with the board, shall consider whether an applicant has completed systematic acupuncture education that includes live lectures, demonstrations, and supervised clinical training specific to acupuncture.

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

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

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

(2) Only a prescriber acting within the scope of his or her practice may issue a prescription. An agent may prepare and transmit a prescription that has been signed by the prescriber, including a signature that meets the requirements of section 17754 or 17754a. The prescriber issuing a prescription and the pharmacist dispensing a drug or device under a prescription is responsible for all of the requirements of state and federal law, rules, and regulations regarding the issuance of prescriptions and dispensing of drugs or devices under prescriptions.

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

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

(2) Subject to subsections (1) and (5), a pharmacist may dispense a prescription written and signed; written or created in an electronic format, signed, and transmitted by facsimile; or transmitted electronically or by other means of communication by a physician prescriber, dentist prescriber, or veterinarian prescriber in another state, but not including a prescription for a controlled substance except under circumstances described in section 17763(e), only if the pharmacist in the exercise of his or her professional judgment determines all of the following:

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

(b) That the prescription is authentic.

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

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

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

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

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

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

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

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

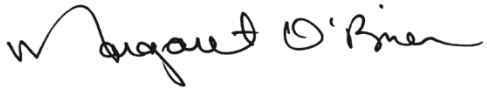
(8) If, after consulting with a patient, a pharmacist determines in the exercise of his or her professional judgment that dispensing additional quantities of a prescription drug is appropriate for the patient, the pharmacist may dispense, at one time, additional quantities of the prescription drug up to the total number of dosage units authorized by the prescriber on the original prescription for the patient and any refills of the prescription. Except for a controlled substance included in schedule 5 that does not contain an opioid, this subsection does not apply to a prescription for a controlled substance.

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

(a) Senate Bill No. 254.

(b) House Bill No. 4217.

This act is ordered to take immediate effect.



Secretary of the Senate

Clerk of the House of Representatives

Approved_____

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Governor