

**SUBSTITUTE FOR
SENATE BILL NO. 360**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17751 (MCL 333.17751), as amended by 2016 PA
49.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (2) Subject to subsection (5), a pharmacist may dispense a
7 prescription written and signed; written or created in an
8 electronic format, signed, and transmitted by facsimile; or
9 transmitted electronically or by other means of communication by a
10 physician prescriber, dentist prescriber, or veterinarian

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

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

10 (b) That the prescription is authentic.

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

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

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

18 (5) A pharmacist shall not dispense a drug or device under a
19 prescription transmitted by facsimile or created in electronic
20 format and printed out for use by the patient unless the document
21 is manually signed by the prescriber. This subsection does not
22 apply to a prescription that is transmitted by a computer to a
23 facsimile machine if that prescription complies with section 17754.

24 (6) After consultation with and agreement from the prescriber,
25 a pharmacist may add or change a patient's address, **A** dosage form,
26 **A** drug strength, **A** drug quantity, ~~directions~~ **A DIRECTION** for use,
27 or **AN** issue date with regard to a prescription. A pharmacist shall

1 note the details of the consultation and agreement required under
2 this subsection on the prescription and shall maintain that
3 documentation with the prescription as required in section 17752. A
4 pharmacist shall not change the patient's name, controlled
5 substance prescribed unless authorized to dispense a lower cost
6 generically equivalent drug product under section 17755, or the
7 prescriber's signature with regard to a prescription.

8 (7) 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 and that is transmitted to a pharmacy under
11 section 17744 is the original prescription. If all other
12 requirements of this part are met, a pharmacist shall dispense a
13 drug or device under a prescription described in this subsection. A
14 pharmacist may dispense a drug or device under a prescription
15 described in this subsection even if the prescription does not
16 contain the quantity ordered. If a prescription described in this
17 subsection does not contain the quantity ordered, the pharmacist
18 shall consult with the prescriber to determine an agreed-upon
19 quantity. The pharmacist shall record the quantity dispensed on the
20 prescription and shall maintain that documentation with the
21 prescription as required in section 17752.

22 (8) IF, AFTER CONSULTING WITH A PATIENT, A PHARMACIST
23 DETERMINES IN THE EXERCISE OF HIS OR HER PROFESSIONAL JUDGMENT THAT
24 DISPENSING ADDITIONAL QUANTITIES OF A PRESCRIPTION DRUG IS
25 APPROPRIATE FOR THE PATIENT, THE PHARMACIST MAY DISPENSE, AT ONE
26 TIME, ADDITIONAL QUANTITIES OF THE PRESCRIPTION DRUG UP TO THE
27 TOTAL NUMBER OF DOSAGE UNITS AUTHORIZED BY THE PRESCRIBER ON THE

1 ORIGINAL PRESCRIPTION FOR THE PATIENT AND ANY REFILLS OF THE
2 PRESCRIPTION. EXCEPT FOR A CONTROLLED SUBSTANCE INCLUDED IN
3 SCHEDULE 5 THAT DOES NOT CONTAIN AN OPIOID, THIS SUBSECTION DOES
4 NOT APPLY TO A PRESCRIPTION FOR A CONTROLLED SUBSTANCE.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.