
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4149 (Substitute H-1 as reported by the Committee of the Whole)

Sponsor: Representative Michael Nye

House Committee: Health Policy

Senate Committee: Health Policy and Senior Citizens

CONTENT

The bill would amend the Public Health Code to permit pharmacists to dispense prescriptions issued by out-of-State physicians or Canadian physicians, under certain circumstances. This would not apply to a prescription for a controlled substance unless the prescription were issued by a physician who was living adjacent to the border between Michigan and an adjoining state and whose practice could extend into this State, but who did not maintain an office in Michigan.

Specifically, the bill provides that a pharmacist could dispense a prescription written and signed or transmitted by other means of communication by a physician prescriber in a state other than Michigan or in Canada (except a prescription for a controlled substance unless certain circumstances existed), only if the pharmacist in the exercise of his or her professional judgment determined that: the prescription was issued pursuant to an existing physician-patient relationship; the prescription was authentic; and the prescribed drug was appropriate and necessary for the treatment of an acute, chronic, or recurrent condition.

The bill also would prohibit a practitioner from dispensing a prescription for a controlled substance written and signed or transmitted by a physician prescriber licensed to practice in a state other than Michigan, unless the prescription were issued by a physician prescriber residing adjacent to the land border between this State and an adjoining state who was authorized under the laws of that state to practice medicine or osteopathic medicine and surgery and to prescribe controlled substances and whose practice could extend into this State, but who did not maintain an office or designate a place to meet patients or receive calls in Michigan.

The Code's existing civil and criminal penalties for prescription violations would apply to a person who violated this prohibition (i.e., a maximum civil fine of \$25,000; or, if the violation were committed knowingly or intentionally, imprisonment for up to two years and/or a fine of up to \$25,000). A pharmacist who violated the prohibition also would be subject to disciplinary sanctions (i.e., a fine, reprimand, probation, or license denial, limitation, suspension, or revocation).

MCL 333.7405 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-10-97

Fiscal Analyst: M. Tyszkiewicz

[floor/hb4149](#)

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.