

SENATE BILL No. 908

December 18, 2003, Introduced by Senators JELINEK, HARDIMAN, GOSCHKA, ALLEN, BIRKHOLZ, VAN WOERKOM, KUIPERS and CROPSEY and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7405 (MCL 333.7405), as amended by 1997 PA
153.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7405. (1) A person:

2 (a) Who is licensed by the administrator under this article
3 shall not distribute, prescribe, or dispense a controlled
4 substance in violation of section 7333.

5 (b) Who is a licensee shall not manufacture a controlled
6 substance not authorized by his or her license or distribute,
7 prescribe, or dispense a controlled substance not authorized by
8 his or her license to another licensee or other authorized
9 person, except as authorized by rules promulgated by the
10 administrator.

1 (c) Shall not refuse an entry into any premises for an
2 inspection authorized by this article.

3 (d) Shall not knowingly keep or maintain a store, shop,
4 warehouse, dwelling, building, vehicle, boat, aircraft, or other
5 structure or place, that is frequented by persons using
6 controlled substances in violation of this article for the
7 purpose of using controlled substances, or that is used for
8 keeping or selling controlled substances in violation of this
9 article.

10 (e) Who is a practitioner shall not dispense a prescription
11 for a controlled substance written and signed or transmitted by a
12 physician prescriber licensed to practice in a state other than
13 Michigan, unless the prescription is issued by a physician
14 prescriber residing adjacent to the land border between this
15 state and an adjoining state **or residing in Illinois** who is
16 authorized under the laws of that state to practice medicine or
17 osteopathic medicine and surgery and to prescribe controlled
18 substances and whose practice may extend into this state, but who
19 does not maintain an office or designate a place to meet patients
20 or receive calls in this state.

21 (2) A person who violates subsection (1) is subject to the
22 penalties prescribed in section 7406.