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Senate Bill 1366 (as introduced 6-3-08)
Sponsor: Senator Tom George
Committee: Health Policy

Date Completed: 9-9-08

CONTENT

The bill would amend the Public Health Code to allow a practitioner to issue multiple prescriptions for up to a 90-day supply of a Schedule 2 controlled substance in accordance with Federal regulations; and allow a Schedule 2 controlled substance prescription to be filled up to 90, rather than 60, days after it was issued.

Under the Code, a practitioner may not issue more than one prescription for a Schedule 2 controlled substance on a single prescription form. Under the bill, a practitioner could issue more than one of these prescriptions on a single form in compliance with 21 CFR 1306.12 (described below).

Currently, except for patient with a documented terminal illness, a prescription for a Schedule 2 controlled substance may not be filled more than 60 days after the date it was issued. The bill would extend this period to 90 days.

(Under 21 CFR 1306.12, an individual practitioner may issue multiple prescriptions authorizing a patient to receive a total of up to a 90-day supply of a Schedule 2 controlled substance if all of the following conditions are met:

- Each separate prescription is issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice.
- The individual practitioner provides written instructions on each prescription (other than the first prescription, if the practitioner intends for it to be filled immediately) indicating the earliest date on which a pharmacy may fill each prescription.
- The individual practitioner concludes that giving the patient multiple prescriptions in this manner does not create an undue risk of diversion or abuse.
- The issuance of multiple prescriptions is permissible under the applicable state laws.
- The individual practitioner complies fully with all other applicable requirements under the Controlled Substances Act and/or the Controlled Substances Import and Export Act and these regulations as well as any additional requirements under state law.

Under the Public Health Code, a substance is placed in Schedule 2 if it has high potential for abuse; it has currently accepted medical use in the U.S., or currently accepted medical use with severe restrictions; and its abuse may lead to severe psychic or physical dependence.)

MCL 333.7333

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would bring the Public Health Code into conformity with the relevant Federal regulation. Because the bill would loosen restrictions related to the prescription of Schedule 2 controlled substances, however, it is possible that some increase in the use of those drugs would occur among Medicaid patients. Accordingly, the State would be responsible for any increase in Medicaid prescription drug expenditures that resulted from passage of the bill.

Fiscal Analyst: Matthew Grabowski

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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.