

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 92**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16333, 17703, 17707, 17711, 17721, and 17731
(MCL 333.16333, 333.17703, 333.17707, 333.17711, 333.17721, and
333.17731), section 16333 as added by 1993 PA 80, section 17703
as amended by 2012 PA 209, section 17707 as amended by 1990 PA
333, sections 17711 and 17721 as amended by 2006 PA 390, and
section 17731 as amended by 1994 PA 234, and by adding sections
17739, 17739a, 17739b, and 17739c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16333. Fees for a person licensed or seeking licensure
2 to engage in the practice of pharmacy or other practices
3 regulated under part 177 are as follows:

1	(a)	Application processing fees:	
2	(i)	Pharmacist.....	\$ 20.00
3	(ii)	Pharmacy.....	35.00
4	(iii)	Drug control.....	20.00
5	(iv)	Manufacturer or wholesaler.....	50.00
6	(v)	Clinical thermometer.....	50.00
7	(v)	PHARMACY TECHNICIAN.....	25.00
8	(b)	Examination fees:	
9		Jurisprudence examination.....	30.00
10	(c)	License fees, per year:	
11	(i)	Pharmacist.....	30.00
12	(ii)	Pharmacy.....	50.00
13	(iii)	Drug control.....	15.00
14	(iv)	Manufacturer or wholesaler.....	25.00
15	(v)	Clinical thermometer.....	25.00
16	(v)	PHARMACY TECHNICIAN.....	30.00
17	(d)	Temporary license for pharmacist.....	25.00
18	(e)	Limited license for pharmacist, per year...	15.00
19	(F)	TEMPORARY LICENSE FOR PHARMACY TECHNICIAN...	15.00
20	(G)	LIMITED LICENSE FOR PHARMACY TECHNICIAN,	
21		PER YEAR.....	10.00

22 Sec. 17703. (1) "Device" means an instrument, apparatus, or
23 contrivance, including its components, parts, and accessories,
24 intended for use in the diagnosis, cure, mitigation, treatment,
25 or prevention of disease in human beings or other animals, or to
26 affect the structure or function of the body of human beings or
27 other animals.

28 (2) "Dispense" means to issue 1 or more doses of a drug for
29 subsequent administration to, or use by, a patient.

1 (3) "Dispensing prescriber" means a prescriber ~~, other than~~
2 ~~a veterinarian, who dispenses prescription drugs.~~ **WHO IS REQUIRED**
3 **TO OBTAIN A DRUG CONTROL LICENSE, OR IS EXCLUDED FROM THAT**
4 **REQUIREMENT, UNDER SECTION 17745(1).**

5 (4) "Drug" means any of the following:

6 (a) A substance recognized or for which the standards or
7 specifications are prescribed in the official compendium.

8 (b) A substance intended for use in the diagnosis, cure,
9 mitigation, treatment, or prevention of disease in human beings
10 or other animals.

11 (c) A substance, other than food, intended to affect the
12 structure or a function of the body of human beings or other
13 animals.

14 (d) A substance intended for use as a component of a
15 substance specified in subdivision (a), (b), or (c), but not
16 including a device or its components, parts, or accessories.

17 (5) "Electronic signature" means an electronic sound,
18 symbol, or process attached to or logically associated with a
19 record and executed or adopted by a person with the intent to
20 sign the record.

21 (6) "Electronically transmitted prescription" means the
22 communication of an original prescription or refill authorization
23 by electronic means including computer to computer, computer to
24 facsimile machine, or electronic mail transmission that contains
25 the same information it contained when the prescriber or his or
26 her agent transmitted the prescription. Electronically
27 transmitted prescription does not include a prescription or

1 refill authorization transmitted by telephone or facsimile
2 machine.

3 Sec. 17707. (1) "Personal charge" means the immediate
4 physical presence of a pharmacist or dispensing prescriber.

5 (2) "Pharmacist" means an individual licensed under this
6 article to engage in the practice of pharmacy.

7 (3) "Pharmacist intern" or "intern" means an individual who
8 satisfactorily completes the requirements set forth in rules
9 promulgated by the board and is licensed by the board for the
10 purpose of obtaining instruction in the practice of pharmacy from
11 a preceptor approved by the board.

12 (4) "Pharmacy" means a building or part of a building in
13 which the practice of pharmacy is conducted.

14 (5) **"PHARMACY TECHNICIAN" MEANS AN INDIVIDUAL WHO IS**
15 **REQUIRED TO HOLD A HEALTH PROFESSION SUBFIELD LICENSE UNDER THIS**
16 **PART TO SERVE AS A PHARMACY TECHNICIAN.**

17 (6) ~~(5)~~—"Practice of pharmacy" means a health service, the
18 clinical application of which includes the encouragement of
19 safety and efficacy in the prescribing, dispensing,
20 administering, and use of drugs and related articles for the
21 prevention of illness, and the maintenance and management of
22 health. **PRACTICE OF PHARMACY INCLUDES THE DIRECT OR INDIRECT**
23 **PROVISION OF PROFESSIONAL FUNCTIONS AND SERVICES ASSOCIATED WITH**
24 **THE PRACTICE OF PHARMACY.** Professional functions associated with
25 the practice of pharmacy include:

26 (a) The interpretation and evaluation of the prescription.

27 (b) Drug product selection.

1 (c) The compounding, dispensing, safe storage, and
2 distribution of drugs and devices.

3 (d) The maintenance of legally required records.

4 (e) Advising the prescriber and the patient as required as
5 to contents, therapeutic action, utilization, and possible
6 adverse reactions or interactions of drugs.

7 Sec. 17711. (1) A person shall not engage in the practice of
8 pharmacy **OR SERVE AS A PHARMACY TECHNICIAN** unless licensed or
9 otherwise authorized by this article.

10 (2) The following words, titles, or letters or a combination
11 ~~thereof,~~ **OF WORDS, TITLES, OR LETTERS**, with or without qualifying
12 words or phrases, are restricted in use only to those persons
13 authorized under this part to use the terms and in a way
14 prescribed in this part: "pharmacy", "pharmacist", "**PHARM.D**",
15 "**DOCTOR OF PHARMACY**", "**PHARMACY INTERN**", "**PHARMACY TECHNICIAN**",
16 "**LICENSED PHARMACY TECHNICIAN**", "**CERTIFIED PHARMACY TECHNICIAN**",
17 "**CPHT**", "apothecary", "**DISPENSARY**", "drugstore", "druggist",
18 "medicine store", "prescriptions", and "r.ph.".

19 Sec. 17721. (1) The Michigan board of pharmacy is created in
20 the department and shall consist of the following 11 voting
21 members who shall meet the requirements of part 161: 6

22 (A) **SIX** pharmacists. ~~and 5~~

23 (B) **ONE PHARMACY TECHNICIAN.**

24 (C) **FOUR** public members.

25 (2) The terms of office of the individual members of the
26 board created under this section, except those appointed to fill
27 vacancies, expire 4 years after appointment on June 30 of the

1 year in which the term expires.

2 Sec. 17731. (1) Notwithstanding the requirements of part
3 161, the board may require **EITHER OF THE FOLLOWING:**

4 **(A) THAT** a licensee seeking renewal of a pharmacist's
5 license ~~to~~ furnish the board with satisfactory evidence that
6 during the 2 years immediately preceding application for renewal,
7 ~~the applicant has~~ **HE OR SHE** attended continuing education courses
8 or programs, approved by the board, totaling not less than 30
9 hours or ~~the satisfactory completion of~~ **SATISFACTORILY COMPLETED**
10 a proficiency examination according to rules promulgated by the
11 board.

12 **(B) THAT A LICENSEE SEEKING RENEWAL OF A PHARMACY**
13 **TECHNICIAN'S LICENSE FURNISH THE BOARD WITH SATISFACTORY EVIDENCE**
14 **THAT DURING THE 2 YEARS IMMEDIATELY PRECEDING APPLICATION FOR**
15 **RENEWAL, HE OR SHE HAS ATTENDED AT LEAST 20 HOURS OF CONTINUING**
16 **EDUCATION COURSES OR PROGRAMS, APPROVED BY THE BOARD, OR**
17 **SATISFACTORILY COMPLETED A PROFICIENCY EXAMINATION ACCORDING TO**
18 **RULES PROMULGATED BY THE BOARD.**

19 (2) As required under section 16204, the board shall
20 promulgate rules requiring each applicant for license renewal to
21 complete as part of the continuing education or proficiency
22 examination requirement of subsection (1) an appropriate number
23 of hours or courses in pain and symptom management.

24 **SEC. 17739. (1) AN INDIVIDUAL WHO PERFORMS ANY OF THE**
25 **FOLLOWING FUNCTIONS IS CONSIDERED TO BE SERVING AS A PHARMACY**
26 **TECHNICIAN AND, EXCEPT AS OTHERWISE PROVIDED IN THIS PART, IS**
27 **REQUIRED TO BE LICENSED UNDER THIS PART AS A PHARMACY TECHNICIAN:**

1 (A) ASSISTING IN THE DISPENSING PROCESS.

2 (B) HANDLING TRANSFER OF PRESCRIPTIONS, EXCEPT CONTROLLED
3 SUBSTANCES PRESCRIPTIONS.

4 (C) COMPOUNDING DRUGS.

5 (D) PREPARING OR MIXING INTRAVENOUS DRUGS FOR INJECTION INTO
6 A HUMAN PATIENT.

7 (E) CONTACTING PRESCRIBERS CONCERNING PRESCRIPTION DRUG
8 ORDER CLARIFICATION, WHICH DOES NOT INCLUDE DRUG REGIMEN REVIEW
9 OR CLINICAL OR THERAPEUTIC INTERPRETATION.

10 (F) RECEIVING VERBAL ORDERS FOR PRESCRIPTION DRUGS, EXCEPT
11 ORDERS FOR CONTROLLED SUBSTANCES.

12 (G) SUBJECT TO SECTION 16215, PERFORMING ANY OTHER FUNCTIONS
13 AUTHORIZED UNDER RULES PROMULGATED UNDER THIS PART.

14 (2) A PHARMACY OR DISPENSING PRESCRIBER THAT UTILIZES THE
15 SERVICES OF A PHARMACY TECHNICIAN SHALL ENSURE THAT ALL OF THE
16 FOLLOWING REQUIREMENTS, AS APPLICABLE, ARE MET:

17 (A) THE PHARMACY TECHNICIAN IS LICENSED OR OTHERWISE
18 AUTHORIZED TO SERVE AS A PHARMACY TECHNICIAN UNDER THIS PART.

19 (B) THE PHARMACY TECHNICIAN ONLY PERFORMS THE ACTIVITIES OR
20 FUNCTIONS THAT HE OR SHE IS LICENSED OR OTHERWISE AUTHORIZED TO
21 PERFORM UNDER THIS PART OR RULES PROMULGATED UNDER THIS PART.

22 (C) EXCEPT AS OTHERWISE PROVIDED BY RULE PROMULGATED UNDER
23 THIS PART, THE PHARMACY TECHNICIAN ONLY PERFORMS THE ACTIVITIES
24 OR FUNCTIONS DESCRIBED IN SUBDIVISION (B) UNDER THE SUPERVISION
25 AND PERSONAL CHARGE OF THE PHARMACIST OR DISPENSING PRESCRIBER.

26 SEC. 17739A. (1) SUBJECT TO SUBSECTION (2), THE DEPARTMENT
27 MAY LICENSE AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING

1 REQUIREMENTS AS A PHARMACY TECHNICIAN UNDER THIS PART:

2 (A) SUBMITS A COMPLETED APPLICATION TO THE DEPARTMENT ON A
3 FORM PRESCRIBED BY THE DEPARTMENT.

4 (B) GRADUATED FROM AN ACCREDITED HIGH SCHOOL OR COMPARABLE
5 SCHOOL OR EDUCATIONAL INSTITUTION OR PASSED THE GENERAL
6 EDUCATIONAL DEVELOPMENT TEST OR OTHER GRADUATE EQUIVALENCY
7 EXAMINATION.

8 (C) SATISFIES THE REQUIREMENTS OF SECTION 16174.

9 (D) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), PASSES
10 AND SUBMITS PROOF TO THE DEPARTMENT OF PASSAGE OF ANY OF THE
11 FOLLOWING:

12 (i) THE CERTIFIED PHARMACY TECHNICIAN EXAMINATION GIVEN BY
13 THE PHARMACY TECHNICIAN CERTIFICATION BOARD.

14 (ii) THE CERTIFIED PHARMACY TECHNICIAN EXAMINATION GIVEN BY
15 THE NATIONAL HEALTHCAREER ASSOCIATION.

16 (iii) ANY OTHER NATIONALLY RECOGNIZED AND ADMINISTERED
17 CERTIFICATION EXAMINATION APPROVED BY THE BOARD.

18 (iv) AN EMPLOYER-BASED TRAINING PROGRAM EXAMINATION THAT IS
19 APPROVED BY THE BOARD AND COVERS JOB DESCRIPTIONS, PHARMACY
20 SECURITY, COMMONLY USED MEDICAL ABBREVIATIONS, ROUTES OF
21 ADMINISTRATION, PRODUCT SELECTION, FINAL CHECK BY PHARMACISTS,
22 GUIDELINES FOR THE USE OF PHARMACY TECHNICIANS, PHARMACY
23 TERMINOLOGY, BASIC DRUG INFORMATION, BASIC CALCULATIONS, QUALITY
24 CONTROL PROCEDURES, STATE AND FEDERAL LAWS AND REGULATIONS
25 REGARDING PHARMACY TECHNICIAN DUTIES, PHARMACIST DUTIES, PHARMACY
26 INTERN DUTIES, PRESCRIPTION OR DRUG ORDER PROCESSING PROCEDURES,
27 DRUG RECORD-KEEPING REQUIREMENTS, PATIENT CONFIDENTIALITY, AND

1 PHARMACY SECURITY AND DRUG STORAGE.

2 (2) AN INDIVIDUAL WHO IS NOT A PHARMACIST, PHARMACIST
3 INTERN, OR PHARMACY TECHNICIAN SHALL NOT PERFORM ANY OF THE
4 FUNCTIONS DESCRIBED IN SECTION 17739(1) FOR A PHARMACY.

5 (3) A PHARMACIST SHALL NOT ALLOW ANY INDIVIDUAL EMPLOYED OR
6 OTHERWISE UNDER THE PERSONAL CHARGE OF THE PHARMACIST TO VIOLATE
7 SUBSECTION (2). A PERSON THAT OWNS, MANAGES, OPERATES, OR
8 CONDUCTS A PHARMACY SHALL NOT ALLOW ANY INDIVIDUAL EMPLOYED OR
9 OTHERWISE UNDER THE CONTROL OF THAT PERSON TO VIOLATE SUBSECTION
10 (2).

11 (4) AN INDIVIDUAL WHO MEETS ANY OF THE FOLLOWING IS NOT
12 REQUIRED TO MEET THE EXAMINATION REQUIREMENT DESCRIBED IN
13 SUBSECTION (1) (D) TO BE ELIGIBLE FOR A LICENSE UNDER SUBSECTION
14 (1):

15 (A) AS PROVIDED IN SECTION 16171(A), IS A STUDENT IN A
16 PHARMACY TECHNICIAN PROGRAM APPROVED BY THE BOARD.

17 (B) IS APPLYING FOR A TEMPORARY LICENSE UNDER SECTION
18 17739B.

19 (C) IS APPLYING FOR A LIMITED LICENSE UNDER SECTION 17739C.

20 SEC. 17739B. (1) SUBJECT TO SECTION 17739A(4), THE
21 DEPARTMENT MAY ISSUE A TEMPORARY LICENSE AS A PHARMACY TECHNICIAN
22 TO AN INDIVIDUAL WHO IS PREPARING FOR THE EXAMINATION UNDER
23 SECTION 17739A(1) (D). NOTWITHSTANDING SECTION 16181, THE TERM OF
24 A TEMPORARY LICENSE ISSUED UNDER THIS SECTION EXPIRES 210 DAYS
25 AFTER THE DATE THE TEMPORARY LICENSE IS ISSUED.

26 (2) AN INDIVIDUAL REQUESTING A TEMPORARY LICENSE UNDER THIS
27 SECTION SHALL SUBMIT A COMPLETED APPLICATION, ON A FORM

1 PRESCRIBED BY THE DEPARTMENT, TO THE DEPARTMENT AND PAY THE
2 APPLICABLE FEE UNDER SECTION 16333.

3 (3) AN INDIVIDUAL WHO HOLDS A TEMPORARY LICENSE AS A
4 PHARMACY TECHNICIAN ISSUED UNDER SUBSECTION (1) IS SUBJECT TO ALL
5 OF THE REQUIREMENTS OF THIS PART, AND RULES PROMULGATED UNDER
6 THIS PART, APPLICABLE TO PHARMACY TECHNICIANS EXCEPT THE
7 EXAMINATION REQUIREMENT UNDER SECTION 17739A(1)(D).

8 SEC. 17739C. (1) IN ADDITION TO THE REQUIREMENT OF SECTION
9 16182 AND SUBJECT TO SECTION 17739A(4), THE DEPARTMENT MAY ISSUE
10 A LIMITED LICENSE AS A PHARMACY TECHNICIAN TO AN INDIVIDUAL IF
11 ALL OF THE FOLLOWING ARE MET:

12 (A) THE INDIVIDUAL WAS EMPLOYED AS A PHARMACY TECHNICIAN BY
13 A PHARMACY ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
14 THIS SECTION AND HAS BEEN CONTINUOUSLY EMPLOYED BY THAT PHARMACY
15 SINCE THAT DATE.

16 (B) THE INDIVIDUAL SUBMITS A COMPLETED APPLICATION TO THE
17 DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT AND MEETS THE
18 REQUIREMENTS OF SECTION 16174.

19 (C) THE INDIVIDUAL PROVIDES DOCUMENTATION OF SATISFACTORY
20 EMPLOYMENT AS A PHARMACY TECHNICIAN FOR A MINIMUM OF 1,000 HOURS
21 DURING THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF HIS OR
22 HER APPLICATION UNDER SUBDIVISION (B).

23 (D) THE APPLICABLE FEE UNDER SECTION 16333 IS PAID.

24 (2) AN INDIVIDUAL WHO HOLDS A LIMITED LICENSE UNDER THIS
25 SECTION MAY ONLY ACT AS A PHARMACY TECHNICIAN FOR THE PHARMACY
26 DESCRIBED IN SUBSECTION (1)(A) AND ONLY UNTIL 1 OF THE FOLLOWING
27 OCCURS:

1 (A) HE OR SHE IS NO LONGER EMPLOYED BY THAT PHARMACY TO
2 PERFORM THOSE FUNCTIONS.

3 (B) HE OR SHE PERFORMS ANY OF THOSE FUNCTIONS FOR ANOTHER
4 PHARMACY.

5 (3) THE TERM OF A LIMITED PHARMACY TECHNICIAN LICENSE ISSUED
6 BY THE DEPARTMENT UNDER THIS SECTION IS THE SAME AS A PHARMACY
7 TECHNICIAN LICENSE ISSUED BY THE DEPARTMENT UNDER SECTION 17739A.

8 (4) AN INDIVIDUAL WHO HOLDS A LIMITED PHARMACY TECHNICIAN
9 LICENSE ISSUED UNDER THIS SECTION IS SUBJECT TO ALL OF THE
10 REQUIREMENTS OF THIS PART, AND THE RULES PROMULGATED UNDER THIS
11 PART, EXCEPT THE EXAMINATION REQUIREMENT UNDER SECTION
12 17739A(1)(D).

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