

**SUBSTITUTE FOR
SENATE BILL NO. 92**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16333, 17703, 17705, 17707, 17711, 17721,
and 17731 (MCL 333.16333, 333.17703, 333.17705, 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
17705 as amended by 1986 PA 304, 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. 17705. (1) "Label" means a display of written, printed,
4 or graphic matter on the immediate container of a drug or device,
5 but does not include package liners. A requirement made by or
6 under authority of this part that a word, statement, or other
7 information appear on the label is not complied with unless the
8 word, statement, or other information appears on the outside
9 container or wrapper of the retail package of the drug or device
10 as displayed for sale or is easily legible through an outside
11 container or wrapper.

12 (2) "Labeling" means the labels and other written, printed,
13 or graphic matter on a drug or device or its container or
14 wrapper, or accompanying the drug or device.

15 (3) "License" in addition to the definition in section 16106
16 means a pharmacy license, drug control license, or a manufacturer
17 or wholesale distributor of drugs or devices license.

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

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

22 (3) "Pharmacist intern" or "intern" means an individual who
23 satisfactorily completes the requirements set forth in rules
24 promulgated by the board and is licensed by the board for the
25 purpose of obtaining instruction in the practice of pharmacy from
26 a preceptor approved by the board.

27 (4) "Pharmacy" means a building or part of a building in

1 which the practice of pharmacy is conducted.

2 (5) "PHARMACY TECHNICIAN" MEANS AN INDIVIDUAL WHO IS
3 REQUIRED TO HOLD A HEALTH PROFESSION SUBFIELD LICENSE UNDER THIS
4 PART TO SERVE AS A PHARMACY TECHNICIAN.

5 (6) ~~(5)~~—"Practice of pharmacy" means a health service, the
6 clinical application of which includes the encouragement of
7 safety and efficacy in the prescribing, dispensing,
8 administering, and use of drugs and related articles for the
9 prevention of illness, and the maintenance and management of
10 health. **PRACTICE OF PHARMACY INCLUDES THE DIRECT OR INDIRECT**
11 **PROVISION OF PROFESSIONAL FUNCTIONS AND SERVICES ASSOCIATED WITH**
12 **THE PRACTICE OF PHARMACY.** Professional functions associated with
13 the practice of pharmacy include:

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

15 (b) Drug product selection.

16 (c) The compounding, dispensing, safe storage, and
17 distribution of drugs and devices.

18 (d) The maintenance of legally required records.

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

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

25 (2) The following words, titles, or letters or a combination
26 thereof, with or without qualifying words or phrases, are
27 restricted in use only to those persons authorized under this

1 part to use the terms and in a way prescribed in this part:
 2 "pharmacy", "pharmacist", "PHARM.D", "DOCTOR OF PHARMACY",
 3 "PHARMACY INTERN", "PHARMACY TECHNICIAN", "LICENSED PHARMACY
 4 TECHNICIAN", "CERTIFIED PHARMACY TECHNICIAN", "CPHT",
 5 "apothecary", "DISPENSARY", "drugstore", "druggist", "medicine
 6 store", "prescriptions", and "r.ph."

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

- 10 (A) **SIX** pharmacists. ~~and 5~~
 11 (B) **ONE PHARMACY TECHNICIAN.**
 12 (C) **FOUR** public members.

13 (2) The terms of office of the individual members of the
 14 board created under this section, except those appointed to fill
 15 vacancies, expire 4 years after appointment on June 30 of the
 16 year in which the term expires.

17 Sec. 17731. (1) Notwithstanding the requirements of part
 18 161, the board may require **EITHER OF THE FOLLOWING:**

19 (A) **THAT** a licensee seeking renewal of a pharmacist's
 20 license ~~to~~ furnish the board with satisfactory evidence that
 21 during the 2 years immediately preceding application for renewal,
 22 ~~the applicant has~~ **HE OR SHE** attended continuing education courses
 23 or programs, approved by the board, totaling not less than 30
 24 hours or ~~the satisfactory completion of~~ **SATISFACTORILY COMPLETED**
 25 a proficiency examination according to rules promulgated by the
 26 board.

27 (B) **THAT A LICENSEE SEEKING RENEWAL OF A PHARMACY**

1 TECHNICIAN'S LICENSE FURNISH THE BOARD WITH SATISFACTORY EVIDENCE
2 THAT DURING THE 2 YEARS IMMEDIATELY PRECEDING APPLICATION FOR
3 RENEWAL, HE OR SHE HAS ATTENDED AT LEAST 20 HOURS OF CONTINUING
4 EDUCATION COURSES OR PROGRAMS, APPROVED BY THE BOARD, OR
5 SATISFACTORILY COMPLETED A PROFICIENCY EXAMINATION ACCORDING TO
6 RULES PROMULGATED BY THE BOARD.

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

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

16 (A) ASSISTING IN THE DISPENSING PROCESS.

17 (B) HANDLING TRANSFER OF PRESCRIPTIONS, EXCEPT CONTROLLED
18 SUBSTANCES PRESCRIPTIONS.

19 (C) COMPOUNDING DRUGS.

20 (D) PREPARING OR MIXING INTRAVENOUS DRUGS FOR INJECTION INTO
21 A HUMAN OR VETERINARY PATIENT.

22 (E) CONTACTING PRESCRIBERS CONCERNING PRESCRIPTION DRUG
23 ORDER CLARIFICATION, WHICH DOES NOT INCLUDE DRUG REGIMEN REVIEW
24 OR CLINICAL OR THERAPEUTIC INTERPRETATION.

25 (F) RECEIVING VERBAL ORDERS FOR PRESCRIPTION DRUGS, EXCEPT
26 ORDERS FOR CONTROLLED SUBSTANCES.

27 (G) SUBJECT TO SECTION 16215, ANY OTHER FUNCTIONS AUTHORIZED

1 UNDER RULES PROMULGATED UNDER THIS PART.

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

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

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

10 (C) EXCEPT AS PROVIDED BY RULE PROMULGATED UNDER THIS PART,
11 THE PHARMACY TECHNICIAN ONLY PERFORMS THE ACTIVITIES OR FUNCTIONS
12 DESCRIBED IN SUBDIVISION (B) UNDER THE SUPERVISION AND PERSONAL
13 CHARGE OF THE PHARMACIST OR DISPENSING PRESCRIBER.

14 SEC. 17739A. (1) SUBJECT TO SUBSECTION (2), THE DEPARTMENT
15 MAY LICENSE AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING
16 REQUIREMENTS AS A PHARMACY TECHNICIAN UNDER THIS PART:

17 (A) SUBMITS A COMPLETED APPLICATION TO THE DEPARTMENT ON A
18 FORM PRESCRIBED BY THE DEPARTMENT.

19 (B) GRADUATED FROM AN ACCREDITED HIGH SCHOOL OR COMPARABLE
20 SCHOOL OR EDUCATIONAL INSTITUTION OR PASSED THE GENERAL
21 EDUCATIONAL DEVELOPMENT TEST OR OTHER GRADUATE EQUIVALENCY
22 EXAMINATION.

23 (C) SATISFIES THE REQUIREMENTS OF SECTION 16174.

24 (D) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), PASSES
25 AND SUBMITS PROOF TO THE DEPARTMENT OF PASSAGE OF ANY OF THE
26 FOLLOWING:

27 (i) THE CERTIFIED PHARMACY TECHNICIAN EXAMINATION GIVEN BY

1 THE PHARMACY TECHNICIAN CERTIFICATION BOARD.

2 (ii) THE CERTIFIED PHARMACY TECHNICIAN EXAMINATION GIVEN BY
3 THE NATIONAL HEALTHCAREER ASSOCIATION.

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

6 (iv) AN EMPLOYER-BASED TRAINING PROGRAM EXAMINATION THAT IS
7 APPROVED BY THE BOARD AND COVERS JOB DESCRIPTIONS, PHARMACY
8 SECURITY, COMMONLY USED MEDICAL ABBREVIATIONS, ROUTES OF
9 ADMINISTRATION, PRODUCT SELECTION, FINAL CHECK BY PHARMACISTS,
10 GUIDELINES FOR THE USE OF PHARMACY TECHNICIANS, PHARMACY
11 TERMINOLOGY, BASIC DRUG INFORMATION, BASIC CALCULATIONS, QUALITY
12 CONTROL PROCEDURES, STATE AND FEDERAL LAWS AND REGULATIONS
13 REGARDING PHARMACY TECHNICIAN DUTIES, PHARMACIST DUTIES, PHARMACY
14 INTERN DUTIES, PRESCRIPTION OR DRUG ORDER PROCESSING PROCEDURES,
15 DRUG RECORD-KEEPING REQUIREMENTS, PATIENT CONFIDENTIALITY, AND
16 PHARMACY SECURITY AND DRUG STORAGE.

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

20 (3) A PHARMACIST SHALL NOT ALLOW ANY INDIVIDUAL EMPLOYED OR
21 OTHERWISE UNDER THE PERSONAL CHARGE OF THE PHARMACIST TO VIOLATE
22 SUBSECTION (2). A PERSON THAT OWNS, MANAGES, OPERATES, OR
23 CONDUCTS A PHARMACY SHALL NOT ALLOW ANY INDIVIDUAL EMPLOYED OR
24 OTHERWISE UNDER THE CONTROL OF THAT PERSON TO VIOLATE SUBSECTION
25 (2).

26 (4) AN INDIVIDUAL WHO MEETS ANY OF THE FOLLOWING IS NOT
27 REQUIRED TO MEET THE EXAMINATION REQUIREMENT DESCRIBED IN

1 SUBSECTION (1) (D) TO BE ELIGIBLE FOR A LICENSE UNDER SUBSECTION
2 (1) :

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

5 (B) IS APPLYING FOR A TEMPORARY LICENSE UNDER SECTION
6 17739B.

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

8 SEC. 17739B. (1) SUBJECT TO SECTION 17739A(4), THE
9 DEPARTMENT MAY ISSUE A TEMPORARY LICENSE AS A PHARMACY TECHNICIAN
10 TO AN INDIVIDUAL WHO IS PREPARING FOR THE EXAMINATION UNDER
11 SECTION 17739A(1) (D). THE TERM OF A TEMPORARY LICENSE ISSUED
12 UNDER THIS SECTION EXPIRES 210 DAYS AFTER THE DATE THE TEMPORARY
13 LICENSE IS ISSUED.

14 (2) AN INDIVIDUAL REQUESTING A TEMPORARY LICENSE UNDER THIS
15 SECTION SHALL SUBMIT A COMPLETED APPLICATION, ON A FORM
16 PRESCRIBED BY THE DEPARTMENT, TO THE DEPARTMENT AND PAY THE
17 APPLICABLE FEE UNDER SECTION 16333.

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

23 SEC. 17739C. (1) SUBJECT TO SECTION 17739A(4), THE
24 DEPARTMENT MAY ISSUE A LIMITED LICENSE AS A PHARMACY TECHNICIAN
25 TO AN INDIVIDUAL IF ALL OF THE FOLLOWING ARE MET:

26 (A) THE INDIVIDUAL WAS EMPLOYED AS A PHARMACY TECHNICIAN BY
27 A PHARMACY ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED

1 THIS SECTION AND HAS BEEN CONTINUOUSLY EMPLOYED BY THAT PHARMACY
2 SINCE THAT DATE.

3 (B) THE INDIVIDUAL SUBMITS A COMPLETED APPLICATION TO THE
4 DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT AND MEETS THE
5 REQUIREMENTS OF SECTION 16174.

6 (C) THE INDIVIDUAL PROVIDES DOCUMENTATION OF SATISFACTORY
7 EMPLOYMENT AS A PHARMACY TECHNICIAN FOR A MINIMUM OF 1,000 HOURS
8 DURING THE 1-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF HIS OR
9 HER APPLICATION UNDER SUBDIVISION (B).

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

11 (2) AN INDIVIDUAL WHO HOLDS A LIMITED LICENSE UNDER THIS
12 SECTION MAY ONLY ACT AS A PHARMACY TECHNICIAN FOR THE PHARMACY
13 DESCRIBED IN SUBSECTION (1) (A) AND ONLY UNTIL 1 OF THE FOLLOWING
14 OCCURS:

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

17 (B) HE OR SHE PERFORMS ANY OF THOSE FUNCTIONS FOR ANOTHER
18 PHARMACY.

19 (3) THE TERM OF A LIMITED PHARMACY TECHNICIAN LICENSE ISSUED
20 BY THE DEPARTMENT UNDER THIS SECTION IS THE SAME AS A PHARMACY
21 TECHNICIAN LICENSE ISSUED BY THE DEPARTMENT UNDER SECTION 17739A.

22 (4) AN INDIVIDUAL WHO HOLDS A LIMITED PHARMACY TECHNICIAN
23 LICENSE ISSUED UNDER THIS SECTION IS SUBJECT TO ALL OF THE
24 REQUIREMENTS OF THIS PART, AND THE RULES PROMULGATED UNDER THIS
25 PART, EXCEPT THE EXAMINATION REQUIREMENT UNDER SECTION
26 17739A(1) (D).

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.