

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 2014 PA 280, 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 a
2 veterinarian, who dispenses prescription drugs.

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

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

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

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

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

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

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

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

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

5 (3) "Pharmacist in charge" or "PIC" means the pharmacist who
6 is designated by a pharmacy, manufacturer, or wholesale
7 distributor as its pharmacist in charge under section 17748(2).

8 (4) "Pharmacist intern" or "intern" means an individual who
9 satisfactorily completes the requirements set forth in rules
10 promulgated ~~under this part~~ **BY THE DEPARTMENT IN CONSULTATION**
11 **WITH THE BOARD** and is licensed by the board for the purpose of
12 obtaining instruction in the practice of pharmacy from a
13 preceptor approved by the board.

14 (5) "Pharmacy" means a building or part of a building in
15 which the practice of pharmacy is conducted. For the purpose of a
16 duty placed on a pharmacy under this part, "pharmacy" means the
17 person to which the pharmacy license is issued, unless otherwise
18 specifically provided.

19 (6) **"PHARMACY TECHNICIAN" MEANS AN INDIVIDUAL WHO IS**
20 **REQUIRED TO HOLD A HEALTH PROFESSION SUBFIELD LICENSE UNDER THIS**
21 **PART TO SERVE AS A PHARMACY TECHNICIAN.**

22 (7) ~~(6)~~—"Practice of pharmacy" means a health service, the
23 clinical application of which includes the encouragement of
24 safety and efficacy in the prescribing, dispensing,
25 administering, and use of drugs and related articles for the
26 prevention of illness, and the maintenance and management of
27 health. **PRACTICE OF PHARMACY INCLUDES THE DIRECT OR INDIRECT**

1 **PROVISION OF PROFESSIONAL FUNCTIONS AND SERVICES ASSOCIATED WITH**
 2 **THE PRACTICE OF PHARMACY.** Professional functions associated with
 3 the practice of pharmacy include:

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

5 (b) Drug product selection.

6 (c) The compounding, dispensing, safe storage, and
 7 distribution of drugs and devices.

8 (d) The maintenance of legally required records.

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

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

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

24 Sec. 17721. (1) The Michigan board of pharmacy is created in
 25 the department and ~~shall consist~~ **CONSISTS** of the following 11
 26 voting members who ~~shall meet~~ the requirements of part 161: 6

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

1 (B) ONE PHARMACY TECHNICIAN.

2 (C) FOUR public members.

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

7 Sec. 17731. (1) Notwithstanding the requirements of part
8 161, the board may require **EITHER OF THE FOLLOWING:**

9 (A) **THAT** a licensee seeking renewal of a pharmacist's
10 license ~~to~~ furnish the ~~board~~ **DEPARTMENT** with satisfactory
11 evidence that during the 2 years immediately preceding
12 application for renewal, ~~the applicant has~~ **HE OR SHE** attended
13 continuing education courses or programs, approved by the board,
14 totaling not less than 30 hours or ~~the satisfactory completion of~~
15 **SATISFACTORILY COMPLETED** a proficiency examination according to
16 rules promulgated by the **DEPARTMENT IN CONSULTATION WITH THE**
17 board.

18 (B) **THAT A LICENSEE SEEKING RENEWAL OF A PHARMACY**
19 **TECHNICIAN'S LICENSE FURNISH THE DEPARTMENT WITH SATISFACTORY**
20 **EVIDENCE THAT DURING THE 2 YEARS IMMEDIATELY PRECEDING**
21 **APPLICATION FOR RENEWAL, HE OR SHE HAS ATTENDED AT LEAST 20 HOURS**
22 **OF CONTINUING EDUCATION COURSES OR PROGRAMS, APPROVED BY THE**
23 **BOARD, OR SATISFACTORILY COMPLETED A PROFICIENCY EXAMINATION**
24 **ACCORDING TO RULES PROMULGATED BY THE DEPARTMENT IN CONSULTATION**
25 **WITH THE BOARD.**

26 (2) ~~As required under section 16204, the~~ **THE DEPARTMENT IN**
27 **CONSULTATION WITH THE** board shall promulgate rules requiring each

1 applicant for license renewal to complete as part of the
2 continuing education or proficiency examination requirement of
3 subsection (1) an appropriate number of hours or courses in pain
4 and symptom management.

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

9 (A) ASSISTING IN THE DISPENSING PROCESS.

10 (B) HANDLING TRANSFER OF PRESCRIPTIONS, EXCEPT CONTROLLED
11 SUBSTANCES PRESCRIPTIONS.

12 (C) COMPOUNDING DRUGS.

13 (D) PREPARING OR MIXING INTRAVENOUS DRUGS FOR INJECTION INTO
14 A HUMAN PATIENT.

15 (E) CONTACTING PRESCRIBERS CONCERNING PRESCRIPTION DRUG
16 ORDER CLARIFICATION, WHICH DOES NOT INCLUDE DRUG REGIMEN REVIEW
17 OR CLINICAL OR THERAPEUTIC INTERPRETATION.

18 (F) RECEIVING VERBAL ORDERS FOR PRESCRIPTION DRUGS, EXCEPT
19 ORDERS FOR CONTROLLED SUBSTANCES.

20 (G) SUBJECT TO SECTION 16215, PERFORMING ANY OTHER FUNCTIONS
21 AUTHORIZED UNDER RULES PROMULGATED BY THE DEPARTMENT IN
22 CONSULTATION WITH THE BOARD.

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

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

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

4 (C) EXCEPT AS OTHERWISE PROVIDED BY RULE PROMULGATED BY THE
5 DEPARTMENT IN CONSULTATION WITH THE BOARD, THE PHARMACY
6 TECHNICIAN ONLY PERFORMS THE ACTIVITIES OR FUNCTIONS DESCRIBED IN
7 SUBDIVISION (B) UNDER THE SUPERVISION AND PERSONAL CHARGE OF THE
8 PHARMACIST OR DISPENSING PRESCRIBER.

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

12 (A) SUBMITS A COMPLETED APPLICATION TO THE DEPARTMENT ON A
13 FORM PRESCRIBED BY THE DEPARTMENT.

14 (B) GRADUATED FROM AN ACCREDITED HIGH SCHOOL OR COMPARABLE
15 SCHOOL OR EDUCATIONAL INSTITUTION OR PASSED THE GENERAL
16 EDUCATIONAL DEVELOPMENT TEST OR OTHER GRADUATE EQUIVALENCY
17 EXAMINATION.

18 (C) SATISFIES THE REQUIREMENTS OF SECTION 16174.

19 (D) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), PASSES
20 AND SUBMITS PROOF TO THE DEPARTMENT OF PASSAGE OF ANY OF THE
21 FOLLOWING:

22 (i) THE CERTIFIED PHARMACY TECHNICIAN EXAMINATION GIVEN BY
23 THE PHARMACY TECHNICIAN CERTIFICATION BOARD.

24 (ii) THE CERTIFIED PHARMACY TECHNICIAN EXAMINATION GIVEN BY
25 THE NATIONAL HEALTHCAREER ASSOCIATION.

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

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

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

15 (3) A PHARMACIST SHALL NOT ALLOW ANY INDIVIDUAL EMPLOYED OR
16 OTHERWISE UNDER THE PERSONAL CHARGE OF THE PHARMACIST TO VIOLATE
17 SUBSECTION (2). A PERSON THAT OWNS, MANAGES, OPERATES, OR
18 CONDUCTS A PHARMACY SHALL NOT ALLOW ANY INDIVIDUAL EMPLOYED OR
19 OTHERWISE UNDER THE CONTROL OF THAT PERSON TO VIOLATE SUBSECTION
20 (2).

21 (4) AN INDIVIDUAL WHO MEETS ANY OF THE FOLLOWING IS NOT
22 REQUIRED TO MEET THE EXAMINATION REQUIREMENT DESCRIBED IN
23 SUBSECTION (1)(D) TO BE ELIGIBLE FOR A LICENSE UNDER SUBSECTION
24 (1):

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

27 (B) IS APPLYING FOR A TEMPORARY LICENSE UNDER SECTION

1 17739B.

2 (C) IS APPLYING FOR A LIMITED LICENSE UNDER SECTION 17739C.
3 SEC. 17739B. (1) SUBJECT TO SECTION 17739A(4), THE
4 DEPARTMENT MAY ISSUE A TEMPORARY LICENSE AS A PHARMACY TECHNICIAN
5 TO AN INDIVIDUAL WHO IS PREPARING FOR THE EXAMINATION UNDER
6 SECTION 17739A(1)(D). NOTWITHSTANDING SECTION 16181, THE TERM OF
7 A TEMPORARY LICENSE ISSUED UNDER THIS SECTION EXPIRES 210 DAYS
8 AFTER THE DATE THE TEMPORARY LICENSE IS ISSUED.

9 (2) AN INDIVIDUAL REQUESTING A TEMPORARY LICENSE UNDER THIS
10 SECTION SHALL SUBMIT A COMPLETED APPLICATION, ON A FORM
11 PRESCRIBED BY THE DEPARTMENT, TO THE DEPARTMENT AND PAY THE
12 APPLICABLE FEE UNDER SECTION 16333.

13 (3) AN INDIVIDUAL WHO HOLDS A TEMPORARY LICENSE AS A
14 PHARMACY TECHNICIAN ISSUED UNDER SUBSECTION (1) IS SUBJECT TO ALL
15 OF THE REQUIREMENTS OF THIS PART, AND RULES PROMULGATED BY THE
16 DEPARTMENT IN CONSULTATION WITH THE BOARD, APPLICABLE TO PHARMACY
17 TECHNICIANS EXCEPT THE EXAMINATION REQUIREMENT UNDER SECTION
18 17739A(1)(D).

19 SEC. 17739C. (1) IN ADDITION TO THE REQUIREMENT OF SECTION
20 16182 AND SUBJECT TO SECTION 17739A(4), THE DEPARTMENT MAY ISSUE
21 A LIMITED LICENSE AS A PHARMACY TECHNICIAN TO AN INDIVIDUAL IF
22 ALL OF THE FOLLOWING ARE MET:

23 (A) THE INDIVIDUAL WAS EMPLOYED AS A PHARMACY TECHNICIAN BY
24 A PHARMACY ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
25 THIS SECTION AND HAS BEEN CONTINUOUSLY EMPLOYED BY THAT PHARMACY
26 SINCE THAT DATE.

27 (B) THE INDIVIDUAL SUBMITS A COMPLETED APPLICATION TO THE

1 DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT AND MEETS THE
2 REQUIREMENTS OF SECTION 16174.

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

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

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

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

14 (B) HE OR SHE PERFORMS ANY OF THOSE FUNCTIONS FOR ANOTHER
15 PHARMACY.

16 (3) THE TERM OF A LIMITED PHARMACY TECHNICIAN LICENSE ISSUED
17 BY THE DEPARTMENT UNDER THIS SECTION IS THE SAME AS A PHARMACY
18 TECHNICIAN LICENSE ISSUED BY THE DEPARTMENT UNDER SECTION 17739A.

19 (4) AN INDIVIDUAL WHO HOLDS A LIMITED PHARMACY TECHNICIAN
20 LICENSE ISSUED UNDER THIS SECTION IS SUBJECT TO ALL OF THE
21 REQUIREMENTS OF THIS PART, AND THE RULES PROMULGATED BY THE
22 DEPARTMENT IN CONSULTATION WITH THE BOARD, EXCEPT THE EXAMINATION
23 REQUIREMENT UNDER SECTION 17739A(1) (D).

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