

**SUBSTITUTE FOR  
HOUSE BILL NO. 5877**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding sections 17760 and 17760a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 17760. (1) A PHARMACY THAT IS OWNED AND OPERATED BY A**  
2           **HOSPITAL LICENSED UNDER ARTICLE 17 MAY OPERATE AN AUTOMATED DEVICE**  
3           **AT A LOCATION THAT IS AFFILIATED WITH THE HOSPITAL BUT THAT IS NOT**  
4           **LOCATED AT THE SAME PHYSICAL ADDRESS AS THE PHARMACY. A PHARMACY**  
5           **THAT OPERATES AN AUTOMATED DEVICE UNDER THIS SECTION SHALL NOTIFY**  
6           **THE DEPARTMENT OF THE AUTOMATED DEVICE'S LOCATION.**

7           **(2) AS USED IN THIS SECTION AND SECTION 17760A, "AUTOMATED**  
8           **DEVICE" MEANS A MECHANICAL SYSTEM THAT PERFORMS AN OPERATION OR**

1 ACTIVITY, OTHER THAN COMPOUNDING OR ADMINISTRATION, RELATING TO THE  
2 STORAGE, PACKAGING, DISPENSING, DISTRIBUTION, OR DELIVERY OF A DRUG  
3 AND THAT COLLECTS, CONTROLS, AND MAINTAINS TRANSACTION INFORMATION.  
4 AN AUTOMATED DEVICE IS NOT A PHARMACY.

5 SEC. 17760A. AN AUTOMATED DEVICE THAT IS OPERATED UNDER  
6 SECTION 17760 SHALL BE UNDER THE CONTROL AND SUPERVISION OF THE  
7 PHARMACIST IN CHARGE FOR THE PHARMACY DESCRIBED IN SECTION 17760.  
8 THE PHARMACIST IN CHARGE FOR THE PHARMACY DESCRIBED IN SECTION  
9 17760 MAY, IN ACCORDANCE WITH THE REQUIREMENTS FOR DELEGATION AND  
10 SUPERVISION IN THIS ARTICLE, DELEGATE THE STOCKING OF THE AUTOMATED  
11 DEVICE, THE REMOVAL OF MEDICATION FROM THE AUTOMATED DEVICE, THE  
12 MAINTENANCE OF THE AUTOMATED DEVICE, AND OTHER TASKS RELATED TO THE  
13 OPERATION OF THE AUTOMATED DEVICE, BUT HE OR SHE IS NOT REQUIRED TO  
14 BE IMMEDIATELY PHYSICALLY PRESENT TO SUPERVISE A DELEGATED TASK.  
15 THE OPERATION OF THE AUTOMATED DEVICE SHALL BE LIMITED TO LICENSED  
16 HEALTH PROFESSIONALS.

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