

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 219

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 9204, 9206, 17703, 17707, 17708, 17713, 17751,
and 17757 (MCL 333.9204, 333.9206, 333.17703, 333.17707, 333.17708,
333.17713, 333.17751, and 333.17757), section 9204 as amended by
2006 PA 91, section 9206 as amended by 1996 PA 540, section 17703
as amended by 2021 PA 36, section 17707 as amended by 2020 PA 142,
sections 17708 and 17751 as amended by 2022 PA 80, section 17713 as
added by 2020 PA 324, and section 17757 as amended by 2022 PA 13,
and by adding sections 17724 and 17724a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9204. (1) ~~A~~**Except as otherwise provided in subsection**
2 **(2), a** health professional other than a physician may administer an

1 immunizing agent as long as the agent is being administered under
2 the direction of a physician.

3 **(2) In addition to administering an immunizing agent under the**
4 **direction of a physician under subsection (1), a pharmacist may**
5 **order and administer a qualified immunizing agent in accordance**
6 **with section 17724.**

7 Sec. 9206. (1) ~~The~~**A** health care provider administering an
8 immunizing agent to a child shall present the person accompanying
9 the child with a written certificate of immunization, or make an
10 entry of the immunization on a certificate in the person's
11 possession. The certificate ~~shall~~**must** be in a form prescribed by
12 the department and ~~shall~~ indicate the diseases or infections for
13 which the child has been immunized, the number of doses given, the
14 dates when administered, and whether further immunizations are
15 indicated.

16 (2) Before administering an immunizing agent to a child, a
17 health care provider shall notify the parent, guardian, or person
18 in loco parentis of the child, on a form provided by the
19 department, of the right to object to the reporting requirement of
20 subsection (3).

21 (3) Unless the parent, guardian, or person in loco parentis of
22 the child who received the immunizing agent objects by written
23 notice received by the health care provider prior to reporting, a
24 health care provider shall report to the department each
25 immunization administered by the health care provider, pursuant to
26 rules promulgated under section 9227. If the parent, guardian, or
27 person in loco parentis of the child who was immunized objects to
28 the reporting requirement of this subsection by written notice
29 received by the health care provider prior to notification, the

1 health care provider shall not report the immunization.

2 (4) A health care provider who complies or fails to comply in
3 good faith with subsection (3) is not liable in a civil action for
4 damages as a result of an act or omission during the compliance,
5 except an act or omission constituting gross negligence or willful
6 and wanton misconduct.

7 (5) As used in this section: ~~,"health~~

8 (a) **"Health care provider"** means a health professional, health
9 facility, or local health department.

10 (b) **"Health professional"** means an individual who is licensed,
11 registered, or otherwise authorized to engage in a health
12 profession under article 15.

13 Sec. 17703. (1) "Deliver" or "delivery" means the actual,
14 constructive, or attempted transfer of a drug or device from 1
15 person to another.

16 (2) "Device" means an instrument, apparatus, or contrivance,
17 including its components, parts, and accessories, intended for use
18 in the diagnosis, cure, mitigation, treatment, or prevention of
19 disease in human beings or other animals, or to affect the
20 structure or function of the body of human beings or other animals.

21 (3) "Dispense" means the preparation, compounding, packaging,
22 or labeling of a drug pursuant to a prescription or other
23 authorization issued by a prescriber or pursuant to section **17724a**
24 **or** 17744f.

25 (4) "Dispensing prescriber" means a prescriber, other than a
26 veterinarian, who dispenses prescription drugs.

27 (5) Except as otherwise provided in section 17780,
28 "distribute" or "distribution" means to sell, offer for sale,
29 deliver, offer to deliver, broker, give away, or transfer a drug,

1 whether by passage of title or physical movement. The term does not
2 include any of the following:

3 (a) Dispensing or administering a drug.

4 (b) The delivery of a drug, or offering to deliver a drug, by
5 a common carrier in the usual course of business as a common
6 carrier.

7 (c) The delivery of a drug via an automated device under
8 section 17760.

9 (6) "Drug" means any of the following:

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

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

15 (c) A substance, other than food, intended to affect the
16 structure or a function of the body of human beings or other
17 animals.

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

21 (7) "Electronic signature" means an electronic sound, symbol,
22 or process attached to or logically associated with a record and
23 executed or adopted by a person with the intent to sign the record.

24 (8) "Electronically transmitted prescription" means the
25 communication of an original prescription or refill authorization
26 by electronic means including computer to computer, computer to
27 facsimile machine, or email transmission that contains the same
28 information it contained when the prescriber or his or her agent
29 transmitted the prescription. Electronically transmitted

1 prescription does not include a prescription or refill
2 authorization transmitted by telephone or facsimile machine.

3 Sec. 17707. (1) "Parent pharmacy" means a pharmacy that
4 operates a remote pharmacy through a telepharmacy system.

5 (2) "Personal charge" means the immediate physical presence of
6 a pharmacist or dispensing prescriber.

7 (3) "Pharmacist" means an individual **who is** licensed under
8 this article to engage in the practice of pharmacy.

9 (4) "Pharmacist in charge" or "PIC" means the pharmacist who
10 is designated by a pharmacy, manufacturer, wholesale distributor,
11 or wholesale distributor-broker as its pharmacist in charge under
12 section 17748(2).

13 (5) "Pharmacist intern" or "intern" means an individual who
14 satisfactorily completes the requirements set forth in rules
15 promulgated by the department in consultation with the board and is
16 licensed by the board for the purpose of obtaining instruction in
17 the practice of pharmacy from a preceptor approved by the board.

18 (6) "Pharmacy" means a facility or part of a facility that is
19 licensed under this part to dispense prescription drugs or prepare
20 prescription drugs for delivery or distribution. Pharmacy does not
21 include the office of a dispensing prescriber or an automated
22 device. For the purpose of a duty placed on a pharmacy under this
23 part, "pharmacy" means the person to which the pharmacy license is
24 issued, unless otherwise specifically provided.

25 (7) "Pharmacy technician" means an individual who is required
26 to hold a health profession subfield license under this part to
27 serve as a pharmacy technician.

28 (8) "Practice of pharmacy" means a health service, the
29 clinical application of which includes the encouragement of safety

1 and efficacy in the prescribing, dispensing, administering, and use
2 of drugs and related articles for the prevention of illness, and
3 the maintenance and management of health. Practice of pharmacy
4 includes the direct or indirect provision of professional functions
5 and services associated with the practice of pharmacy. Professional
6 functions associated with the practice of pharmacy include the
7 following:

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

9 (b) Drug product selection.

10 (c) The compounding, dispensing, safe storage, and
11 distribution of drugs and devices.

12 (d) The maintenance of legally required records.

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

16 **(f) Ordering and administering qualified immunizing agents in
17 accordance with section 17724.**

18 **(g) Ordering and administering qualified laboratory tests in
19 accordance with section 17724a.**

20 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the
21 board to direct the training of an intern in an approved pharmacy.

22 (2) "Prescriber" means a licensed dentist; a licensed doctor
23 of medicine; a licensed doctor of osteopathic medicine and surgery;
24 a licensed doctor of podiatric medicine and surgery; a licensed
25 physician's assistant; subject to part 174, a licensed optometrist;
26 subject to section 17211a, an advanced practice registered nurse; a
27 licensed veterinarian; subject to subsection (7), a registered
28 professional nurse who holds a specialty certification as a nurse
29 anesthetist under section 17210 when he or she is engaging in the

1 practice of nursing and providing the anesthesia and analgesia
2 services described in section 17210(3); or any other licensed
3 health professional acting under the delegation and using,
4 recording, or otherwise indicating the name of the delegating
5 licensed doctor of medicine or licensed doctor of osteopathic
6 medicine and surgery. As used in this subsection:

7 (a) "Advanced practice registered nurse" means that term as
8 defined in section 17201 and includes a licensed advanced practice
9 registered nurse.

10 (b) "License" means that term as defined in section 16106 and
11 includes an authorization issued under the laws of another state or
12 province of Canada to practice a profession described in this
13 subsection in that state or province of Canada where practice would
14 otherwise be unlawful.

15 (3) "Prescription" means an order by a prescriber to fill,
16 compound, or dispense a drug or device written and signed; written
17 or created in an electronic format, signed, and transmitted by
18 facsimile; or transmitted electronically or by other means of
19 communication. An order transmitted in other than written or hard-
20 copy form must be electronically recorded, printed, or written and
21 immediately dated by the pharmacist, and that record is considered
22 the original prescription. In a health facility or agency licensed
23 under article 17 or other medical institution, an order for a drug
24 or device in the patient's chart is considered for the purposes of
25 this definition the original prescription. For purposes of this
26 part, prescription also includes a standing order issued under
27 section 17744e. Subject to section 17751(2) and (5), prescription
28 includes, but is not limited to, an order for a drug, not including
29 a controlled substance except under circumstances described in

1 section 17763(e), written and signed; written or created in an
2 electronic format, signed, and transmitted by facsimile; or
3 transmitted electronically or by other means of communication by a
4 prescriber in another state or province of Canada.

5 (4) Subject to subsection (5), "prescription drug" means a
6 drug to which 1 or more of the following apply:

7 (a) The drug is dispensed pursuant to a prescription.

8 (b) The drug bears the federal legend "CAUTION: federal law
9 prohibits dispensing without prescription" or "Rx only".

10 (c) The drug is designated by the board as a drug that may
11 only be dispensed pursuant to a prescription.

12 (5) For purposes of this part, prescription drug also includes
13 a drug dispensed pursuant to section **17724a or** 17744f.

14 (6) "Remote pharmacy" means a pharmacy described in sections
15 17742a and 17742b.

16 (7) The authority of a registered professional nurse who holds
17 a specialty certification as a nurse anesthetist under section
18 17210 to prescribe pharmacological agents is limited to
19 pharmacological agents for administration to patients as described
20 in section 17210(3)(b), (c), or (d). Subsection (2) does not
21 require new or additional third party reimbursement or mandated
22 worker's compensation benefits for anesthesia and analgesia
23 services provided under section 17210(3) by a registered
24 professional nurse who holds a specialty certification as a nurse
25 anesthetist under section 17210.

26 Sec. 17713. (1) Notwithstanding any provision of this article
27 or rule promulgated under this article to the contrary, beginning
28 ~~on the effective date of the amendatory act that added this~~
29 ~~section,~~ **December 29, 2020**, all of the following apply while a

1 qualified order or declaration is in effect:

2 ~~(a) Through March 31, 2021, a pharmacist may dispense an~~
3 ~~emergency refill of up to a 60-day supply of a prescription drug~~
4 ~~other than a controlled substance for a resident of this state if,~~
5 ~~in the pharmacist's professional judgment, a failure to refill the~~
6 ~~prescription might interrupt the patient's ongoing care and have a~~
7 ~~significant adverse effect on the patient's well-being. All of the~~
8 ~~following apply for purposes of this subdivision:~~

9 ~~(i) The pharmacist shall inform the patient that the~~
10 ~~prescription was dispensed under this subdivision.~~

11 ~~(ii) The pharmacist shall inform the prescriber, in writing and~~
12 ~~within a reasonable period of time, of any refills that the~~
13 ~~pharmacist dispensed under this subdivision.~~

14 ~~(iii) Before refilling a prescription under this subdivision,~~
15 ~~the pharmacist shall make a reasonable effort to communicate with~~
16 ~~the prescriber regarding refilling the prescription and make a~~
17 ~~record of the efforts made, including the reason for refilling a~~
18 ~~prescription under this subdivision.~~

19 ~~(iv) A prescriber is not subject to criminal prosecution, civil~~
20 ~~liability, or administrative sanction as a result of a pharmacist~~
21 ~~refilling a prescription under this subdivision.~~

22 **(a)** ~~(b)~~ A pharmacist may temporarily operate a pharmacy in a
23 location that is not designated on a pharmacy license. However, the
24 pharmacy described in this subdivision may not prepare a sterile
25 drug product beyond a low-risk preparation, as defined by USP
26 standards, for immediate inpatient administration.

27 ~~(c) A pharmacist may dispense and administer a drug as needed~~
28 ~~to treat an individual with COVID-19 pursuant to protocols~~
29 ~~established by the federal Centers for Disease Control and~~

1 ~~Prevention or the National Institute of Health, or as determined by~~
2 ~~the chief medical executive in the office of chief medical~~
3 ~~executive created within the department of health and human~~
4 ~~services or the chief medical executive's designee.~~

5 **(b)** ~~(d)~~—A pharmacist may substitute a therapeutically
6 equivalent drug for a drug that is the subject of a critical
7 shortage. A pharmacist substituting a drug under this subdivision
8 shall inform the patient of the substitution and notify the
9 prescriber of the substitution within a reasonable period of time.
10 A prescriber is not subject to criminal prosecution, civil
11 liability, or administrative sanction as a result of a pharmacist's
12 substitution under this subdivision.

13 **(c)** ~~(e)~~—A preceptor may supervise a student pharmacist
14 remotely to fulfill eligibility requirements for licensure and to
15 avoid a delay in graduation.

16 **(d)** ~~(f)~~—A pharmacist may oversee a pharmacy technician and
17 other pharmacy staff remotely through the use of a real-time,
18 continuous audiovisual camera system that is capable of allowing
19 the pharmacist to visually identify the markings on tablets and
20 capsules. The pharmacist must have access to all relevant patient
21 information to accomplish remote oversight and must be available at
22 all times during the oversight to provide real-time patient
23 consultation. A pharmacy technician shall not perform sterile or
24 nonsterile compounding without a pharmacist on the premises.

25 **(e)** ~~(g)~~—An out-of-state pharmacy that is in good standing is
26 considered licensed to do business in this state. An out-of-state
27 pharmacy shall not deliver a controlled substance into this state,
28 except that, notwithstanding article 7 or any rule promulgated
29 under that article, an out-of-state pharmacy may deliver a

1 controlled substance that is compounded for a drug shortage, as
 2 determined by the FDA. An out-of-state pharmacy shall comply with
 3 this part and the rules promulgated by this part, except that an
 4 out-of-state pharmacy is not required to designate a pharmacist in
 5 charge for the out-of-state pharmacy. To provide sterile
 6 compounding services to a patient in this state, an out-of-state
 7 pharmacy shall hold a current accreditation from a national
 8 organization approved by the board.

9 **(f)** ~~(h)~~—A manufacturer or wholesale distributor that is
 10 licensed in another state is considered to be licensed to do
 11 business in this state. Notwithstanding article 7 or any rule
 12 promulgated under that article, a manufacturer or wholesale
 13 distributor that holds a license in good standing in another state
 14 may temporarily distribute a controlled substance in this state to
 15 a hospital or to a manufacturer or wholesale distributor that is
 16 licensed under this part. An out-of-state license described in this
 17 subdivision is not considered to be in good standing for purposes
 18 of this subdivision if it has been suspended or revoked or is the
 19 subject of pending disciplinary action in another state. If an out-
 20 of-state license described in this subdivision contains
 21 restrictions or conditions, those restrictions or conditions apply
 22 in this state for purposes of this subdivision.

23 **(g)** ~~(i)~~—A pharmacy may confirm the delivery of a prescription
 24 drug, excluding a controlled substance, to a patient by any
 25 reasonable means, including, but not limited to, a telephone call,
 26 a text message, or ~~electronic mail.~~**email.**

27 (2) As used in this section:

28 ~~(a) "COVID-19" means coronavirus disease 2019.~~

29 **(a)** ~~(b)~~—"Out-of-state pharmacy" means a facility or part of a

1 facility that is located outside of this state and that is licensed
 2 in another state to dispense prescription drugs or prepare
 3 prescription drugs for delivery or distribution.

4 (b) ~~(e)~~—"Qualified epidemic" means an epidemic involving a
 5 respiratory disease that can easily spread between individuals and
 6 may result in serious illness or death.

7 (c) ~~(d)~~—"Qualified order or declaration" means 1 of the
 8 following issued in response to a qualified epidemic:

9 (i) An emergency order under section 2253.

10 (ii) A state of disaster or state of emergency declared under
 11 the emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

12 **Sec. 17724. (1) Subject to this section, a pharmacist may,**
 13 **without acting under the direction of a physician, order and**
 14 **administer a qualified immunizing agent to an individual who is 3**
 15 **years of age or older.**

16 (2) Before ordering or administering a qualified immunizing
 17 agent under this section, a pharmacist shall comply with all of the
 18 following:

19 (a) Successfully complete a training program approved under
 20 subsection (4).

21 (b) If the pharmacist is ordering a qualified immunizing agent
 22 for or administering a qualified immunizing agent to an individual
 23 who is less than 19 years of age and the pharmacy does not
 24 participate in the Vaccines for Children Program administered by
 25 the Centers for Disease Control and Prevention, inform the
 26 individual that the individual may qualify for the Vaccines for
 27 Children Program and notify the individual of local providers that
 28 participate in the program. This subdivision does not apply if a
 29 public or private third-party payer provides coverage for the cost

1 of ordering or administering the qualified immunizing agent to the
2 individual.

3 (3) A pharmacist who administers a qualified immunizing agent
4 under this section shall do all of the following:

5 (a) Comply with rules promulgated under this section in
6 addition to any other requirement established by law.

7 (b) If the qualified immunizing agent is administered to an
8 individual who is 20 years of age or older, report the
9 administration of the qualified immunizing agent to the Michigan
10 care improvement registry within 72 hours after administering the
11 qualified immunizing agent in the same manner as required under
12 section 9206 for a health care provider who is administering an
13 immunizing agent to a child.

14 (4) The department, in consultation with the board, shall
15 promulgate rules to implement this section. The rules must require
16 the training program required under this section to include a
17 course on the administration of vaccines that is provided by an
18 entity accredited by the Accreditation Council for Pharmacy
19 Education.

20 (5) This section does not prohibit a pharmacist from ordering
21 or administering an immunizing agent pursuant to federal law or an
22 emergency order.

23 (6) As used in this section:

24 (a) "Immunizing agent" means that term as defined in section
25 9201.

26 (b) "Michigan care improvement registry" means the Michigan
27 care improvement registry established under section 9207.

28 (c) "Qualified immunizing agent" means an immunizing agent
29 that meets all of the following requirements:

1 (i) Is a vaccine that is recommended by the Advisory Committee
2 on Immunization Practices of the Centers for Disease Control and
3 Prevention.

4 (ii) Is a vaccine that is approved or authorized for use by the
5 Food and Drug Administration or has been authorized for emergency
6 use by the Food and Drug Administration.

7 Sec. 17724a. (1) Subject to this section, a pharmacist may
8 order a qualified laboratory test for and administer the qualified
9 laboratory test to an individual if the qualified laboratory test
10 meets all of the following requirements:

11 (a) The qualified laboratory test is classified as waived by
12 the Food and Drug Administration.

13 (b) The qualified laboratory test requires only the use of a
14 specimen collected by a nasal or throat swab or a finger prick.

15 (c) The qualified laboratory test is used to detect or screen
16 for any of the following:

17 (i) COVID-19.

18 (ii) Influenza.

19 (iii) A respiratory infection.

20 (2) Before ordering or administering a qualified laboratory
21 test under this section, a pharmacist shall successfully complete
22 the training program approved under subsection (5).

23 (3) A pharmacist who orders a qualified laboratory test for or
24 administers a qualified laboratory test to an individual under this
25 section shall advise the individual of the test result and refer
26 the individual to a physician, or another health professional,
27 designated by the individual.

28 (4) A pharmacist who orders a qualified laboratory test for
29 and administers that qualified laboratory test to an individual

1 under this section for purposes of detecting or screening for
2 COVID-19 or influenza may, without a prescription, dispense a drug
3 to the individual if all of the following are met:

4 (a) The pharmacist determines that the drug is needed to treat
5 the individual for COVID-19 or influenza based on the individual's
6 test result.

7 (b) The drug is an antiviral drug and is available at the
8 pharmacy.

9 (c) The drug is provided pursuant to protocols established by
10 the Centers for Disease Control and Prevention or public health
11 guidelines established by the department of health and human
12 services.

13 (d) The pharmacist complies with subsection (3) and any other
14 requirement established by rule under this section.

15 (5) The department, in consultation with the board, shall
16 promulgate rules to implement this section. The rules must require
17 the training program required under this section to require a
18 pharmacist to demonstrate sufficient knowledge of how to administer
19 and interpret each laboratory test that the pharmacist may order or
20 administer under this section and to demonstrate sufficient
21 knowledge of each illness, condition, or disease described in
22 subsection (1) for which the pharmacist provides treatment based on
23 the results of a qualified laboratory test.

24 (6) This section does not prohibit a pharmacist from doing any
25 of the following:

26 (a) Ordering or administering a laboratory test as a delegated
27 act of a physician or another health professional under section
28 16215.

29 (b) Ordering or administering a laboratory test pursuant to

1 federal law or an emergency order.

2 (c) Dispensing a drug to a patient without a prescription
3 pursuant to federal law or an emergency order.

4 (7) As used in this section, "qualified laboratory test" means
5 a laboratory test meeting the requirements described in subsection
6 (1).

7 Sec. 17751. (1) Except as otherwise provided in ~~section~~
8 **sections 17724a and** 17744f, a pharmacist shall not dispense a drug
9 requiring a prescription under the federal act or a law of this
10 state except under authority of an original prescription or an
11 equivalent record of an original prescription approved by the
12 board. A pharmacist described in section 17742b(2) may dispense a
13 drug pursuant to an original prescription received at a remote
14 pharmacy if the pharmacist receives, reviews, and verifies an exact
15 digital image of the prescription received at the remote pharmacy
16 before the drug is dispensed at the remote pharmacy.

17 (2) Subject to this subsection and subsections (1) and (5), a
18 pharmacist may dispense a drug or device pursuant to a prescription
19 written and signed; written or created in an electronic format,
20 signed, and transmitted by facsimile; or transmitted electronically
21 or by other means of communication by a prescriber in another state
22 or province of Canada, but not including a prescription for a
23 controlled substance except under circumstances described in
24 section 17763(e). Before dispensing a drug or device pursuant to a
25 prescription under this subsection, the pharmacist, in the exercise
26 of his or her professional judgment, must determine all of the
27 following:

28 (a) Except as otherwise authorized under section 5110, 17744a,
29 or 17744b, if the prescriber is not a veterinarian, that the

1 prescription was issued pursuant to an existing prescriber-patient
2 relationship.

3 (b) That the prescription is authentic.

4 (c) That the prescribed drug is appropriate and necessary for
5 the treatment of an acute, chronic, or recurrent condition.

6 (3) A pharmacist or a prescriber shall dispense a drug or
7 device pursuant to a prescription only if the prescription falls
8 within the scope of practice of the prescriber.

9 (4) A pharmacist shall not knowingly dispense a drug or device
10 pursuant to a prescription after the death of the prescriber or
11 patient.

12 (5) A pharmacist shall not dispense a drug or device pursuant
13 to a prescription transmitted by facsimile or created in electronic
14 format and printed out for use by the patient unless the document
15 is manually signed by the prescriber. This subsection does not
16 apply to any of the following:

17 (a) A prescription that is transmitted by a computer to a
18 facsimile machine if that prescription complies with section 17754
19 or 17754a.

20 (b) A prescription that is received by a remote pharmacy and
21 made available to a pharmacist described in section 17742b(2) for
22 review and verification in the manner required under subsection
23 (1).

24 (6) After consultation with and agreement from the prescriber,
25 a pharmacist may add or change a patient's address, a dosage form,
26 a drug strength, a drug quantity, a direction for use, or an issue
27 date with regard to a prescription. A pharmacist shall note the
28 details of the consultation and agreement required under this
29 subsection on the prescription or, if the drug is dispensed at a

1 remote pharmacy, on the digital image of the prescription described
2 in subsection (1), and shall maintain that documentation with the
3 prescription as required in section 17752. A pharmacist shall not
4 change the patient's name, controlled substance prescribed unless
5 authorized to dispense a lower cost generically equivalent drug
6 product under section 17755, or the prescriber's signature with
7 regard to a prescription.

8 (7) A prescription that is contained within a patient's chart
9 in a health facility or agency licensed under article 17 or other
10 medical institution and that is transmitted to a pharmacy under
11 section 17744 is the original prescription. If all other
12 requirements of this part are met, a pharmacist shall dispense a
13 drug or device pursuant to a prescription described in this
14 subsection. A pharmacist may dispense a drug or device pursuant to
15 a prescription described in this subsection even if the
16 prescription does not contain the quantity ordered. If a
17 prescription described in this subsection does not contain the
18 quantity ordered, the pharmacist shall consult with the prescriber
19 to determine an agreed-upon quantity. The pharmacist shall record
20 the quantity dispensed on the prescription and shall maintain that
21 documentation with the prescription as required in section 17752.

22 (8) If, after consulting with a patient, a pharmacist
23 determines in the exercise of his or her professional judgment that
24 dispensing additional quantities of a prescription drug is
25 appropriate for the patient, the pharmacist may dispense, at one
26 time, additional quantities of the prescription drug up to the
27 total number of dosage units authorized by the prescriber on the
28 original prescription for the patient and any refills of the
29 prescription. Except for a controlled substance included in

1 schedule 5 that does not contain an opioid, this subsection does
2 not apply to a prescription for a controlled substance.

3 (9) Notwithstanding any provision of this section, a
4 pharmacist who receives a prescription under subsection (2) from an
5 advanced practice registered nurse prescriber or physician's
6 assistant prescriber in another state or province of Canada may
7 dispense the drug or device without determining whether the
8 advanced practice registered nurse prescriber or physician's
9 assistant prescriber is authorized under the laws of the other
10 state or province of Canada to issue the prescription.

11 Sec. 17757. (1) When a pharmacist engaged in the business of
12 selling drugs receives a prescription, the pharmacist may, or, when
13 the pharmacist receives a request made in person or by telephone,
14 the pharmacist shall provide the current selling price of a drug
15 dispensed by that pharmacy or comparative current selling prices of
16 generic and brand name drugs or biosimilar drug products dispensed
17 by that pharmacy. If information is provided under this subsection,
18 it must be provided before a drug is dispensed. A person that makes
19 a request for or receives price information under this subsection
20 is not obligated to purchase the drug for which the price or
21 comparative prices are requested or received. A pharmacy or a
22 pharmacist described in this subsection shall not enter into a
23 contract that prohibits the disclosure of the information described
24 in this subsection.

25 (2) A pharmacist engaged in the business of selling drugs
26 shall conspicuously display the notice described in subsection (3)
27 at each counter over which prescription drugs are dispensed.

28 (3) The notice required under subsection (2) must be in
29 substantially the following form:

1 NOTICE TO CONSUMERS
2 ABOUT PRESCRIPTION DRUGS

3 Under Michigan law, you have the right to find out the price
4 of a prescription drug before the pharmacist fills the
5 prescription. You are under no obligation to have the prescription
6 filled here and may use this price information to shop around at
7 other pharmacies. You may request price information in person or by
8 telephone.

9 Every pharmacy has the current selling prices of both generic
10 and brand name drugs dispensed by the pharmacy.

11 Ask your pharmacist if a lower-cost generic drug is available
12 to fill your prescription. A generic drug contains the same
13 medicine as a brand name drug and is a suitable substitute in most
14 instances.

15 A generic drug may not be dispensed by your pharmacist if your
16 doctor has written "dispense as written" or the initials "d.a.w."
17 on the prescription.

18 If you have questions about the drugs that have been
19 prescribed for you, ask your doctor or pharmacist for more
20 information.

21 To avoid dangerous drug interactions, let your doctor and
22 pharmacist know about any other medications you are taking. This is
23 especially important if you have more than 1 doctor or have
24 prescriptions filled at more than 1 pharmacy.

25 (4) The notice required under subsection (2) must also contain
26 the address and phone number of the board and the department. The
27 text of the notice must be in at least 32-point bold type and be
28 printed on paper at least 11 inches by 17 inches in size. The
29 notice may be printed on multiple pages.

1 (5) The department shall provide a copy of the notice required
2 under subsection (2) to each licensee. The department shall provide
3 additional copies if needed. A person may duplicate or reproduce
4 the notice if the duplication or reproduction is a true copy of the
5 notice as produced by the department, without any additions or
6 deletions.

7 (6) The pharmacist shall furnish to the purchaser of a
8 prescription drug at the time the drug is delivered to the
9 purchaser a receipt evidencing the transactions that contains all
10 of the following:

11 (a) The brand name of the drug, if applicable.

12 (b) The name of the manufacturer or the supplier of the drug,
13 if the drug does not have a brand name.

14 (c) The strength of the drug, if significant.

15 (d) The quantity dispensed, if applicable.

16 (e) The name and address of the pharmacy.

17 (f) The serial number of the prescription, a reference to the
18 standing order issued under section 17744e, or, if the prescription
19 drug is dispensed pursuant to section **17724a or** 17744f, a reference
20 to **the applicable** section. ~~17744f.~~

21 (g) The date the prescription was originally dispensed, **if**
22 **applicable.**

23 (h) The name of the prescriber or, if prescribed under the
24 prescriber's delegatory authority, the name of the delegatee. If
25 the prescription drug is dispensed pursuant to section 17744f, the
26 name of the original prescriber and the pharmacist dispensing the
27 prescription drug. **If the prescription drug is dispensed pursuant**
28 **to section 17724a, the name of the pharmacist dispensing the**
29 **prescription drug.**

1 (i) Except as otherwise authorized under section 5110, 17744a,
2 17744b, or 17744e, the name of the patient for whom the drug was
3 prescribed or dispensed.

4 (j) The price for which the drug was sold to the purchaser.

5 (7) The items required under subsection (6) (a), (b), and (c)
6 may be omitted from a receipt by a pharmacist only if the omission
7 is expressly required by the prescriber. The pharmacist shall
8 retain a copy of each receipt furnished under subsection (6) for 90
9 days. The inclusion of the items required under subsection (6) on
10 the prescription container label is a valid receipt to the
11 purchaser. Including the items required under subsection (6) on the
12 written prescription form and retaining the form constitutes
13 retention of a copy of the receipt.

14 (8) The department, in consultation with the board, may
15 promulgate rules to implement this section.