

**SUBSTITUTE FOR  
SENATE BILL NO. 219**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 9204, 9206, and 17707 (MCL 333.9204, 333.9206,  
and 333.17707), section 9204 as amended by 2006 PA 91, section 9206  
as amended by 1996 PA 540, and section 17707 as amended by 2020 PA  
142, 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  
3 immunizing agent as long as the agent is being administered under  
4 the direction of a physician.

5           **(2) A pharmacist may order and administer an immunizing agent**  
6 **in accordance with section 17724.**



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

10           (2) Before administering an immunizing agent to a child, a  
11 health care provider shall notify the parent, guardian, or person  
12 in loco parentis of the child, on a form provided by the  
13 department, of the right to object to the reporting requirement of  
14 subsection (3).

15           (3) Unless the parent, guardian, or person in loco parentis of  
16 the child who received the immunizing agent objects by written  
17 notice received by the health care provider prior to reporting, a  
18 health care provider shall report to the department each  
19 immunization administered by the health care provider, pursuant to  
20 rules promulgated under section 9227. If the parent, guardian, or  
21 person in loco parentis of the child who was immunized objects to  
22 the reporting requirement of this subsection by written notice  
23 received by the health care provider prior to notification, the  
24 health care provider shall not report the immunization.

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



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

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

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

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

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

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

13 (4) "Pharmacist in charge" or "PIC" means the pharmacist who  
14 is designated by a pharmacy, manufacturer, wholesale distributor,  
15 or wholesale distributor-broker as its pharmacist in charge under  
16 section 17748(2).

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

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

29 (7) "Pharmacy technician" means an individual who is required



1 to hold a health profession subfield license under this part to  
 2 serve as a pharmacy technician.

3 (8) "Practice of pharmacy" means a health service, the  
 4 clinical application of which includes the encouragement of safety  
 5 and efficacy in the prescribing, dispensing, administering, and use  
 6 of drugs and related articles for the prevention of illness, and  
 7 the maintenance and management of health. Practice of pharmacy  
 8 includes the direct or indirect provision of professional functions  
 9 and services associated with the practice of pharmacy. Professional  
 10 functions associated with the practice of pharmacy include the  
 11 following:

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

13 (b) Drug product selection.

14 (c) The compounding, dispensing, safe storage, and  
 15 distribution of drugs and devices.

16 (d) The maintenance of legally required records.

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

20 (f) **Ordering and administering immunizing agents in accordance**  
 21 **with section 17724.**

22 (g) **Ordering and administering laboratory tests in accordance**  
 23 **with section 17724a.**

24 **Sec. 17724. (1) Subject to this section, a pharmacist may,**  
 25 **without acting under the direction of a physician, order and**  
 26 **administer an immunizing agent to an individual who is 3 years of**  
 27 **age or older if the immunizing agent is approved or authorized for**  
 28 **use by the Food and Drug Administration or has been authorized for**  
 29 **emergency use by the Food and Drug Administration.**



1           (2) Except as otherwise provided in this subsection, before  
2 ordering or administering an immunizing agent under this section, a  
3 pharmacist shall successfully complete the training program  
4 approved by the board under subsection (4). A pharmacist who,  
5 before May 12, 2023, ordered or administered an immunizing agent  
6 pursuant to federal law or an emergency order, including, but not  
7 limited to, an immunizing agent for COVID-19, may continue to order  
8 and administer the immunizing agent until the effective date of  
9 rules promulgated under this section.

10           (3) A pharmacist who administers an immunizing agent under  
11 this section shall do all of the following:

12           (a) Comply with rules established by the board in addition to  
13 any other requirement established by law.

14           (b) If the immunizing agent is administered to an individual  
15 who is 21 years of age or older, report the administration of the  
16 immunizing agent to the Michigan care improvement registry within  
17 72 hours after administering the immunizing agent in the same  
18 manner as required under section 9206 for a health care provider  
19 who is administering an immunizing agent to a child.

20           (4) The board shall promulgate rules to implement this  
21 section. The rules must require the training program required under  
22 this section to include at least 4 hours of instruction that  
23 provides accurate and up-to-date information on immunization  
24 schedules and must require the pharmacist to successfully complete  
25 the training program annually.

26           (5) As used in this section:

27           (a) "Immunizing agent" means that term as defined in section  
28 9201.

29           (b) "Michigan care improvement registry" means the Michigan



1 care improvement registry established under section 9207.

2 Sec. 17724a. (1) Subject to this section, a pharmacist may  
3 order a laboratory test for and administer the laboratory test to  
4 an individual if the laboratory test meets all of the following  
5 requirements:

6 (a) The laboratory test is classified as waived by the Food  
7 and Drug Administration.

8 (b) The laboratory test does not require the use of a specimen  
9 collected by vaginal swab or venipuncture or a specimen that  
10 requires the collection of seminal fluid.

11 (c) The laboratory test is used to detect or screen for any of  
12 the following:

13 (i) SARS-CoV-2.

14 (ii) Influenza.

15 (iii) A urinary tract infection.

16 (iv) Diabetes.

17 (v) Any other illness, condition, or disease that is approved  
18 by the board in consultation with the Michigan board of medicine  
19 and the Michigan board of osteopathic medicine and surgery, by  
20 rule.

21 (2) Except as otherwise provided in this subsection, before  
22 ordering or administering a laboratory test under this section, a  
23 pharmacist shall successfully complete the training program  
24 approved by the board under subsection (4). A pharmacist who,  
25 before May 12, 2023, ordered or administered a laboratory test  
26 pursuant to federal law or an emergency order, may continue to  
27 order and administer the laboratory test until the effective date  
28 of rules promulgated under this section.

29 (3) A pharmacist who orders a laboratory test for or



1 administers a laboratory test to an individual under this section  
2 shall advise the individual of the test result and refer the  
3 individual to a physician, or another health professional,  
4 designated by the individual.

5 (4) The board shall promulgate rules to implement this  
6 section. The rules must require the training program required under  
7 this section to require a pharmacist to demonstrate sufficient  
8 knowledge of each illness, condition, or disease described in  
9 subsection (1) for which the pharmacist orders or administers a  
10 laboratory test.

11 (5) As used in this section, "laboratory test" means a  
12 laboratory test meeting the requirements described in subsection  
13 (1).

