

HOUSE BILL NO. 4980

September 14, 2023, Introduced by Reps. Pohutsky, Paiz, Wilson, Breen, Tsernoglou, Morgan, Glanville, Conlin, Arbit, Miller, Roth, Morse and Aiyash and referred to the Committee on Agriculture.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16287 and 18811 (MCL 333.16287 and 333.18811), section 16287 as amended by 2017 PA 22 and section 18811 as amended by 2006 PA 406, and by adding section 18818.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 16287. **(1)** The department, in consultation with a board,
- 2 shall promulgate rules to implement sections 16284 and 16285.
- 3 **(2) Rules promulgated by the department in consultation with**

1 the Michigan board of veterinary medicine under this section are
2 subject to section 18818.

3 Sec. 18811. (1) ~~A person~~ **Subject to section 18818, an**
4 **individual** shall not engage in the practice of veterinary medicine
5 unless licensed or otherwise authorized by this article.

6 (2) ~~After July 1, 1979, an~~ **An** individual shall not practice as
7 a veterinary technician without a license.

8 (3) A veterinary technician shall not diagnose animal
9 diseases, prescribe medical or surgical treatment, or perform as a
10 surgeon.

11 (4) The following words, titles, or letters or a combination
12 ~~thereof, of words, titles, or letters,~~ with or without qualifying
13 words or phrases, are restricted in use only to those ~~persons~~
14 **individuals** authorized under this part to use the terms and in a
15 way prescribed in this part: "veterinary", "veterinarian",
16 "veterinary doctor", "veterinary surgeon", "doctor of veterinary
17 medicine", "v.m.d.", "d.v.m.", "animal technician", or "animal
18 technologist".

19 **Sec. 18818. (1) A veterinarian shall not engage in the**
20 **practice of veterinary medicine unless it is within the context of**
21 **a veterinarian-client-patient relationship. Subject to federal law,**
22 **all of the following requirements must be met to establish a**
23 **veterinarian-client-patient relationship:**

24 (a) The veterinarian must assume responsibility for making
25 clinical judgments regarding the health of the animal and the need
26 for medical treatment and the animal's owner must have agreed to
27 follow the veterinarian's instructions.

28 (b) The veterinarian must have current knowledge of the animal
29 to initiate, at a minimum, a general or preliminary diagnosis of

1 the medical condition of the animal. A veterinarian may obtain
2 current knowledge of an animal for purposes of this subdivision
3 through any of the following means:

4 (i) Conducting an in-person examination of the animal.

5 (ii) Subject to subsection (2), conducting an examination of
6 the animal through telehealth using real-time interactive audio and
7 visual electronic technology.

8 (iii) By making a medically appropriate and timely visit to the
9 premises where the animal is kept or where a group of animals of
10 the owner is kept.

11 (2) All of the following apply for purposes of an examination
12 of an animal under subsection (1) (b) (ii) :

13 (a) The veterinarian shall not conduct an electronic
14 examination of an animal through telehealth if any of the following
15 apply:

16 (i) The animal is not a companion animal.

17 (ii) The veterinarian is performing the examination to issue an
18 interstate certificate of veterinary inspection or a pet health
19 certificate.

20 (b) When conducting an electronic examination through
21 telehealth, the veterinarian shall use instrumentation and
22 diagnostic equipment through which an image and a medical record
23 may be transmitted electronically.

24 (c) The veterinarian shall be readily available, or arrange
25 for emergency coverage, if the animal experiences an adverse
26 reaction or the treatment regimen for the animal fails.

27 (d) The owner of the animal may request an in-person follow-up
28 evaluation with the veterinarian. If the veterinarian cannot
29 perform an in-person follow-up evaluation of the animal, the

1 veterinarian shall provide the owner with a list of other
2 veterinarians who are geographically accessible to the owner.

3 (3) If a veterinarian establishes a veterinarian-client-
4 patient relationship through the electronic examination described
5 in subsection (1) (b) (ii), the veterinarian may prescribe the animal
6 that was the subject of the examination a drug under all of the
7 following conditions:

8 (a) If the only examination performed on the animal by the
9 veterinarian is the electronic examination described in subsection
10 (1) (b) (ii), the veterinarian shall not prescribe the animal more
11 than a 14-day supply of the drug with no refills. The veterinarian
12 may prescribe the animal 1 additional 14-day supply of the drug if
13 the veterinarian conducts another electronic examination described
14 in subsection (1) (b) (ii) of the animal. The veterinarian shall not
15 issue any additional renewals of the prescription for the animal
16 unless the veterinarian conducts an in-person examination of the
17 animal.

18 (b) The veterinarian shall notify the owner of the animal that
19 some prescription drugs may be available at a pharmacy and, on the
20 request of the animal's owner, send a prescription to a pharmacy of
21 the owner's choice.

22 (c) The veterinarian shall not prescribe a controlled
23 substance for the animal unless the veterinarian also performs an
24 in-person examination of the animal or makes a medically
25 appropriate and timely visit to the premises where the animal is
26 kept.

27 (d) The veterinarian shall comply with federal law and any
28 laws of this state for the prescribing of the drug, including, but
29 not limited to, section 16285.

1 (4) As used in this section:

2 (a) "Companion animal" means that term as defined in section
3 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b.

4 (b) "Pet health certificate" means that term as defined in
5 section 1 of 1969 PA 287, MCL 287.331.

6 (c) "Telehealth" means that term as defined in section 16283.

7 (d) "Veterinarian-client-patient relationship" means the
8 relationship meeting the requirements described in subsection (1).