HOUSE BILL NO. 5260

October 26, 2023, Introduced by Reps. Roth, St. Germaine, Bezotte, DeBoyer, BeGole, Aragona, Johnsen, Rigas, Smit, Carra, Paquette, Borton, Bruck and Jaime Greene and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled

"Public health code,"

(MCL 333.1101 to 333.25211) by adding section 17773.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 17773. (1) A prescriber licensed in this state may issue a prescription for a patient for a drug for off-label use if the prescriber has obtained informed consent from the patient for the treatment regimen that includes the use of the drug for an off-label use. All of the following apply for the purpose of issuing a prescription under this section:

(a) The prescriber is not required to obtain a test result before issuing the prescription for the patient's use of the drug at home or in an outpatient setting.

(b) The patient is not required to have a positive screen for a disease, an illness, or an infection before the prescriber issues the prescription for the drug.

(c) The patient is not required to have been exposed to a disease, an illness, or an infection before the prescriber issues the prescription for the patient's prophylactic use of the drug.

(2) A pharmacy shall allow the dispensing of, and a pharmacist may dispense, a prescription described in subsection (1).

(3) A prescriber who issues a prescription for or a pharmacist who dispenses a drug for off-label use under this section is not liable in a civil action or subject to an administrative sanction for injury, death, or damages resulting from the prescribing or dispensing of the drug if the conduct does not amount to gross negligence as that term is defined in section 7 of 1964 PA 170, MCL 691.1407.

(4) As used in this section, "off-label use" means an indication other than an indication stated in the labeling for the drug that is approved by the United States Food and Drug Administration.