

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.17751 Dispensing prescription drug or device requiring prescription; requirements; exceptions.

Sec. 17751.

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

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

(a) Except as otherwise authorized under section 5110, 17744a, or 17744b, if the prescriber is not a veterinarian, that the prescription was issued pursuant to an existing prescriber-patient relationship.

(b) That the prescription is authentic.

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

(3) A pharmacist or a prescriber shall dispense a drug or device pursuant to a prescription only if the prescription falls within the scope of practice of the prescriber or if the prescription was issued by a pharmacist in accordance with this part.

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

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

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

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

(6) After consultation with and agreement from the prescriber, a pharmacist may add or change a patient's address, a dosage form, a drug strength, a drug quantity, a direction for use, or an issue date with regard to a prescription. A pharmacist shall note the details of the consultation and agreement required under this subsection on the prescription or, if the drug is dispensed at a remote pharmacy, on the digital image of the prescription described in subsection (1), and shall maintain that documentation with the prescription as required in section 17752. A pharmacist shall not change the patient's name, controlled substance prescribed unless authorized to dispense a lower cost generically equivalent drug product under section 17755, or the prescriber's signature with regard to a prescription.

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

(8) If, after consulting with a patient, a pharmacist determines in the exercise of the pharmacist's professional judgment that dispensing additional quantities of a prescription drug is appropriate for the patient, the pharmacist may dispense, at one time, additional quantities of the prescription drug up to the total number of dosage units authorized by the prescriber on the original prescription for the patient and any refills of the prescription. Except for a controlled substance included in schedule 5 that does not contain an opioid, this subsection does not apply to a prescription for a controlled substance.

(9) Notwithstanding any provision of this section, a pharmacist who receives a prescription under subsection (2) from an advanced practice registered nurse prescriber or physician's assistant prescriber in another state or province

of Canada may dispense the drug or device without determining whether the advanced practice registered nurse prescriber or physician's assistant prescriber is authorized under the laws of the other state or province of Canada to issue the prescription.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1997, Act 153, Eff. Mar. 31, 1998 ;-- Am. 2005, Act 85, Imd. Eff. July 19, 2005 ;-- Am. 2006, Act 672, Imd. Eff. Jan. 10, 2007 ;-- Am. 2011, Act 155, Imd. Eff. Sept. 27, 2011 ;-- Am. 2012, Act 209, Imd. Eff. June 27, 2012 ;-- Am. 2013, Act 186, Eff. Mar. 14, 2014 ;-- Am. 2014, Act 311, Imd. Eff. Oct. 14, 2014 ;-- Am. 2014, Act 525, Imd. Eff. Jan. 14, 2015 ;-- Am. 2016, Act 49, Eff. June 13, 2016 ;-- Am. 2017, Act 165, Eff. Feb. 11, 2018 ;-- Am. 2020, Act 4, Eff. Apr. 26, 2020 ;-- Am. 2020, Act 136, Imd. Eff. July 8, 2020 ;-- Am. 2021, Act 36, Imd. Eff. July 1, 2021 ;-- Am. 2022, Act 80, Eff. Mar. 29, 2023 ;-- Am. 2023, Act 97, Imd. Eff. July 19, 2023 ;-- Am. 2024, Act 242, Eff. Apr. 2, 2025

Compiler's Notes: Enacting section 1 of Act 49 of 2016 provides: "Enacting section 1. Section 16349 of the public health code, 1978 PA 368, MCL 333.16349, as amended by this amendatory act, applies to licensing fees required to be paid after December 31, 2018."

Popular Name: Act 368