



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 248 (Substitute S-4 as reported)
Senate Bill 254 (Substitute S-2 as reported)
Sponsor: Senator Ruth Johnson (S.B. 248)
Senator Dale W. Zorn (S.B. 254)
Committee: Health Policy and Human Services

CONTENT

Senate Bill 248 (S-4) would amend the Public Health Code to do the following:

- Beginning January 1, 2021, require a prescriber or his or her agent to transmit a prescription, including a prescription for a controlled substance, electronically to a pharmacy of the patient's choice.
- Specify certain circumstances under which the requirement to transmit a prescription electronically would not apply.
- Allow a prescriber to apply to the Department of Licensing and Regulatory Affairs (LARA) for a waiver, and require LARA to grant the waiver, if the prescriber could not electronically transmit a prescription due to certain circumstances.
- Specify that, if the Federal Centers for Medicare and Medicaid Services delayed the Medicare requirement for the electronic transmission of prescriptions for controlled substances beyond January 1, 2021, LARA could delay the implementation of the electronic transmission requirement.
- Require a disciplinary subcommittee to assess a fine against a licensee who violated the bill's provisions.

Senate Bill 254 (S-2) would amend the Public Health Code to do the following:

- Allow a practitioner to dispense a controlled substance included in Schedules 2 through 5 that was a prescription drug after receiving a prescription that was electronically transmitted under Senate Bill 248 (S-4).
- Include a violation of the electronic transmission requirement proposed under Senate Bill 248 (S-4) among the grounds for disciplinary action.

The bills are tie-barred, and each bill would take effect 90 days after its enactment.

MCL 333.16226 & 333.17754 (S.B. 248)
333.7333 & 333.16221 (S.B. 254)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

Senate Bill 248 (S-2) and Senate Bill 254 (S-4) would have an indeterminate fiscal impact on State government and no fiscal impact on local government. The Department of Licensing and Regulatory Affairs could incur some costs associated with administrative activities. Existing appropriations likely would be sufficient to fund these costs. A disciplinary subcommittee could impose a fine of \$250 per violation, but aggregate fines imposed on a

licensee or registrant would be limited to a maximum of \$5,000 per calendar year. Fine revenue would be deposited into the Health Profession Regulatory Fund.

Date Completed: 6-17-19

Fiscal Analyst: Elizabeth Raczkowski