

**PROHIBIT INTERNET DRUG  
PRESCRIPTIONS**

**House Bill 6393**  
**Sponsor: Rep. Mark Schauer**  
**Committee: Health Policy**

**Complete to 11-5-02**

**A SUMMARY OF HOUSE BILL 6393 AS INTRODUCED 9-24-02**

The bill would amend the Public Health Code to prohibit a licensed practitioner from prescribing or dispensing a controlled substance for a patient based solely on a consultation via the Internet with the patient. The bill would specify that a controlled substances license could be denied, suspended, or revoked or a licensee could be fined, reprimanded, ordered to perform community service or make restitution, or placed on probation if an applicant or licensee prescribed or dispensed a controlled substance based solely on an Internet consultation with the patient. The Public Health Code currently defines a "practitioner" as a prescriber or pharmacist, including scientific investigators and any other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research on, or administer controlled substances. "Practitioner" also includes pharmacies, hospitals, and any other institutions or places of professional practice licensed, registered, or otherwise permitted to distribute, prescribe, dispense, research, or administer controlled substances. The code defines a "prescriber" as a licensed dentist, a licensed allopathic or osteopathic doctor, a podiatrist, an optometrist certified to administer and prescribe therapeutic pharmaceutical agents, a veterinarian, or another licensed health professional under the supervision of a licensed doctor, such as a physician's assistant. "Internet" would mean that term as defined in Section 230 of Title II of the federal Communications Act of 1934—i.e., "the international computer network of both federal and non-federal interoperable packet switched data networks".

The Department of Consumer and Industry Services currently investigates activities related to the practice of licensed or registered health professions, and can bring various sanctions against licensees and registrants for violations of the code. The bill would add prescribing or dispensing a controlled substance or any prescription based on a consultation via the Internet to the list of offenses for which sanctions may be levied.

In addition, a person licensed under the code as a health professional would be prohibited from prescribing a therapeutic pharmaceutical agent for a patient based solely on a consultation via the Internet with the patient. A pharmacist could not dispense a prescription for a therapeutic pharmaceutical agent that was issued by an optometrist if the pharmacist knew that the prescription was issued after an Internet consultation, nor could a pharmacist fill any prescription issued to a patient if the pharmacist knew it was issued based solely on an Internet consultation. This would also apply to the filling of prescriptions written by out-of-state physicians.

Further, a person who obtained or attempted to obtain a prescription drug from a prescriber based solely on a consultation via the Internet with a doctor, optometrist, or veterinarian would be guilty of a misdemeanor and subject to existing penalties under the code.

MCL 333.7106 et al.

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