

HOUSE BILL No. 4832

August 19, 2015, Introduced by Reps. Chang, Plawecki, Kesto, Irwin and Howrylak and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7405 (MCL 333.7405), as amended by 2012 PA 209.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7405. (1) A person:

2 (a) Who is licensed by the administrator under this article
3 shall not distribute, prescribe, or dispense a controlled substance
4 in violation of section 7333.

5 (b) Who is a licensee **AS DESCRIBED IN SUBDIVISION (A)** shall
6 not manufacture a controlled substance not authorized by his or her
7 license or distribute, prescribe, or dispense a controlled
8 substance not authorized by his or her license to another licensee
9 or other authorized person, except as authorized by rules
10 promulgated by the administrator.

11 (c) Shall not refuse an entry into any premises for an

1 inspection authorized ~~by~~ **UNDER** this article.

2 (d) Shall not knowingly keep or maintain a store, shop,
3 warehouse, dwelling, building, vehicle, boat, aircraft, or other
4 structure or place, that is ~~frequented~~ **EITHER OF THE FOLLOWING:**

5 (i) **FREQUENTED** by persons using controlled substances in
6 violation of this article for the purpose of using controlled
7 substances. ~~, or that is used~~

8 (ii) **USED** for keeping or selling controlled substances in
9 violation of this article. **HOWEVER, THIS SUBPARAGRAPH DOES NOT**
10 **APPLY TO THE KEEPING OF CONTROLLED SUBSTANCES ONLY FOR PERSONAL**
11 **USE.**

12 (e) Who is a practitioner shall not dispense a controlled
13 substance under a prescription written and signed; written or
14 created in an electronic format, signed, and transmitted by
15 facsimile; or transmitted electronically or by other means of
16 communication by a physician prescriber or dentist prescriber
17 licensed to practice in a state other than ~~Michigan~~, **THIS STATE**,
18 unless the prescription is issued by a physician prescriber or
19 dentist prescriber who is authorized under the laws of ~~that~~ **THE**
20 **OTHER** state to practice dentistry, medicine, or osteopathic
21 medicine and surgery and to prescribe controlled substances.

22 (2) A person who violates subsection (1) is subject to the
23 penalties prescribed in section 7406.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.