

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 166**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7303a (MCL 333.7303a), as amended by 2016 PA
379.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7303a. (1) A prescriber who holds a controlled substances
2 license may administer or dispense a controlled substance listed in
3 schedules 2 to 5 without a separate controlled substances license
4 for those activities.

5 (2) Before prescribing or dispensing a controlled substance to
6 a patient, a licensed prescriber shall ask the patient about other
7 controlled substances the patient may be using. The prescriber
8 shall record the patient's response in the patient's medical or
9 clinical record.

1 (3) BEGINNING JANUARY 1, 2020, BEFORE PRESCRIBING OR
2 DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT, A LICENSED
3 PRESCRIBER SHALL OBTAIN AND REVIEW A REPORT CONCERNING THAT PATIENT
4 FROM THE DEPARTMENT'S ELECTRONIC SYSTEM FOR MONITORING SCHEDULE 2,
5 3, 4, OR 5 CONTROLLED SUBSTANCES ESTABLISHED UNDER SECTION 7333A.
6 THIS SUBSECTION DOES NOT APPLY UNDER ANY OF THE FOLLOWING
7 CIRCUMSTANCES:

8 (A) IF THE DISPENSING OCCURS IN A HOSPITAL OR FREESTANDING
9 SURGICAL OUTPATIENT FACILITY LICENSED UNDER ARTICLE 17 AND THE
10 CONTROLLED SUBSTANCE IS ADMINISTERED TO THE PATIENT IN THAT
11 HOSPITAL OR FACILITY.

12 (B) IF THE DISPENSING OCCURS IN A VETERINARY HOSPITAL OR
13 CLINIC AND THE CONTROLLED SUBSTANCE IS ADMINISTERED TO THE PATIENT
14 IN THAT HOSPITAL OR CLINIC.

15 (C) IF THE CONTROLLED SUBSTANCE IS PRESCRIBED BY A LICENSED
16 PRESCRIBER WHO IS A VETERINARIAN AND THE CONTROLLED SUBSTANCE WILL
17 BE DISPENSED BY A PHARMACIST.

18 (4) ~~(3)~~—A licensed prescriber who dispenses controlled
19 substances shall maintain all of the following records separately
20 from other prescription records:

21 (a) All invoices and other acquisition records for each
22 controlled substance acquired by the prescriber for not less than 5
23 years after the date the prescriber acquires the controlled
24 substance.

25 (b) A log of all controlled substances dispensed by the
26 prescriber for not less than 5 years after the date the controlled
27 substance is dispensed.

1 (c) Records of all other dispositions of controlled substances
2 under the licensee's control for not less than 5 years after the
3 date of the disposition.

4 (5) ~~(4)~~—The requirement under section 7303 for a license is
5 waived in the following circumstances:

6 (a) When a controlled substance listed in schedules 2 to 5 is
7 administered on the order of a licensed prescriber by an individual
8 who is licensed under article 15 as a practical nurse or a
9 registered professional nurse.

10 (b) When methadone or a methadone congener is dispensed on the
11 order of a licensed prescriber in a methadone treatment program
12 licensed under article 6 or when a controlled substance listed in
13 schedules 2 to 5 is dispensed on the order of a licensed prescriber
14 in a hospice rendering emergency care services in a patient's home
15 as described in section 17746 by a registered professional nurse
16 licensed under article 15.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. 167 of the 99th Legislature is enacted into
19 law.