

**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 JUNE 1, 2018, BEFORE PRESCRIBING OR DISPENSING
2 TO A PATIENT A CONTROLLED SUBSTANCE IN A QUANTITY THAT EXCEEDS A 3-
3 DAY SUPPLY, A LICENSED PRESCRIBER SHALL OBTAIN AND REVIEW A REPORT
4 CONCERNING THAT PATIENT FROM THE ELECTRONIC SYSTEM FOR MONITORING
5 SCHEDULE 2, 3, 4, AND 5 CONTROLLED SUBSTANCES ESTABLISHED UNDER
6 SECTION 7333A. THIS SUBSECTION DOES NOT APPLY UNDER ANY OF THE
7 FOLLOWING 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 PATIENT IS AN ANIMAL AS THAT TERM IS DEFINED IN
13 SECTION 18802, THE DISPENSING OCCURS IN A VETERINARY HOSPITAL OR
14 CLINIC, AND THE CONTROLLED SUBSTANCE IS ADMINISTERED TO THE ANIMAL
15 IN THAT HOSPITAL OR CLINIC.

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

19 (4) BEGINNING JUNE 1, 2018, BEFORE PRESCRIBING OR DISPENSING A
20 CONTROLLED SUBSTANCE TO A PATIENT, A LICENSED PRESCRIBER SHALL
21 REGISTER WITH THE ELECTRONIC SYSTEM FOR MONITORING SCHEDULE 2, 3,
22 4, AND 5 CONTROLLED SUBSTANCES ESTABLISHED UNDER SECTION 7333A.

23 (5) ~~(3)~~—A licensed prescriber who dispenses controlled
24 substances shall maintain all of the following records separately
25 from other prescription records:

26 (a) All invoices and other acquisition records for each
27 controlled substance acquired by the prescriber for not less than 5

1 years after the date the prescriber acquires the controlled
2 substance.

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

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

9 **(6)** ~~(4)~~—The requirement under section 7303 for a license is
10 waived in the following circumstances:

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

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

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