

**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

1 clinical record.

2 (3) BEGINNING JANUARY 1, 2020, BEFORE PRESCRIBING OR  
3 DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT, A LICENSED  
4 PRESCRIBER SHALL OBTAIN AND REVIEW A REPORT CONCERNING THAT PATIENT  
5 FROM THE DEPARTMENT'S ELECTRONIC SYSTEM FOR MONITORING SCHEDULE 2,  
6 3, 4, OR 5 CONTROLLED SUBSTANCES ESTABLISHED UNDER SECTION 7333A.  
7 THIS SUBSECTION DOES NOT APPLY IF THE DISPENSING OCCURS IN A  
8 HOSPITAL LICENSED UNDER ARTICLE 17 AND THE CONTROLLED SUBSTANCE IS  
9 FOR THE PATIENT'S INPATIENT USE.

10 (4) ~~(3)~~—A licensed prescriber who dispenses controlled  
11 substances shall maintain all of the following records separately  
12 from other prescription records:

13 (a) All invoices and other acquisition records for each  
14 controlled substance acquired by the prescriber for not less than 5  
15 years after the date the prescriber acquires the controlled  
16 substance.

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

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

23 (5) ~~(4)~~—The requirement under section 7303 for a license is  
24 waived in the following circumstances:

25 (a) When a controlled substance listed in schedules 2 to 5 is  
26 administered on the order of a licensed prescriber by an individual  
27 who is licensed under article 15 as a practical nurse or a

1 registered professional nurse.

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

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