

SENATE BILL NO. 920

May 13, 2020, Introduced by Senator MACGREGOR and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 17713; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17713. (1) Notwithstanding any provision of this article
2 or rule promulgated under this article to the contrary, beginning
3 on the effective date of the amendatory act that added this
4 section, all of the following apply:

1 (a) A pharmacist may dispense an emergency refill of up to a
2 60-day supply of a prescription drug other than a controlled
3 substance for a resident of this state if, in the pharmacist's
4 professional judgment, a failure to refill the prescription might
5 interrupt the patient's ongoing care and have a significant adverse
6 effect on the patient's well-being. All of the following apply for
7 purposes of this subdivision:

8 (i) The pharmacist shall inform the patient that the
9 prescription was dispensed under this subdivision.

10 (ii) The pharmacist shall inform the prescriber, in writing and
11 within a reasonable period of time, of any refills that the
12 pharmacist dispensed under this subdivision.

13 (iii) Before refilling a prescription under this subdivision,
14 the pharmacist shall make a reasonable effort to communicate with
15 the prescriber regarding refilling the prescription and make a
16 record of the efforts made, including the reason for refilling a
17 prescription under this subdivision.

18 (iv) A prescriber is not subject to criminal prosecution, civil
19 liability, or administrative sanction as a result of a pharmacist
20 refilling a prescription under this subdivision.

21 (b) A pharmacist may temporarily operate a pharmacy in a
22 location that is not designated on a pharmacy license. However, the
23 pharmacy described in this subdivision may not prepare sterile drug
24 products beyond low-risk preparations, as defined by USP standards,
25 for immediate inpatient administration.

26 (c) A pharmacist may dispense and administer a drug as needed
27 to treat an individual with COVID-19 pursuant to protocols
28 established by the federal Centers for Disease Control and
29 Prevention or the National Institute of Health, or as determined by

1 the chief medical executive in the office of chief medical
2 executive created within the department of health and human
3 services or the chief medical executive's designee.

4 (d) A pharmacist may substitute a therapeutically equivalent
5 drug for a drug that is the subject of a critical shortage. A
6 pharmacist substituting a drug under this subdivision shall inform
7 the patient of the substitution and notify the prescriber of the
8 substitution within a reasonable period of time. A prescriber is
9 not subject to criminal prosecution, civil liability, or
10 administrative sanction as a result of a pharmacist's substitution
11 under this subdivision.

12 (e) A preceptor may supervise a student pharmacist remotely to
13 fulfill eligibility requirements for licensure and to avoid a delay
14 in graduation.

15 (f) A pharmacist may oversee a pharmacy technician and other
16 pharmacy staff remotely through the use of a real-time, continuous
17 audiovisual camera system that is capable of allowing the
18 pharmacist to visually identify the markings on tablets and
19 capsules. The pharmacist must have access to all relevant patient
20 information to accomplish remote oversight and must be available at
21 all times during the oversight to provide real-time patient
22 consultation. A pharmacy technician shall not perform sterile or
23 nonsterile compounding without a pharmacist on the premises.

24 (g) An out-of-state pharmacy that is in good standing is
25 considered licensed to do business in this state. An out-of-state
26 pharmacy shall not deliver controlled substances into this state
27 and shall comply with this part and the rules promulgated by this
28 part, except that an out-of-state pharmacy is not required to
29 designate a pharmacist in charge for the out-of-state pharmacy. To

1 provide sterile compounding services to a patient in this state, an
2 out-of-state pharmacy shall hold a current accreditation from a
3 national organization approved by the board.

4 (h) A manufacturer or wholesale distributor that is licensed
5 in another state is considered to be licensed to do business in
6 this state. Notwithstanding article 7 or any rule promulgated
7 under that article, a manufacturer or wholesale distributor that
8 holds a license in good standing in another state may temporarily
9 distribute a controlled substance in this state to a hospital or to
10 a manufacturer or wholesale distributor that is licensed under this
11 part. An out-of-state license described in this subdivision is not
12 considered to be in good standing for purposes of this subdivision
13 if it has been suspended or revoked or is the subject of pending
14 disciplinary action in another state. If an out-of-state license
15 described in this subdivision contains restrictions or conditions,
16 those restrictions or conditions apply in this state for purposes
17 of this subdivision.

18 (2) As used in this section:

19 (a) "COVID-19" means coronavirus disease 2019.

20 (b) "Out-of-state pharmacy" means a facility or part of a
21 facility that is located outside of this state and that is licensed
22 in another state to dispense prescription drugs or prepare
23 prescription drugs for delivery or distribution.

24 (3) This section is repealed effective June 1, 2020.