

# HOUSE BILL NO. 4316

March 21, 2023, Introduced by Rep. Farhat and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9204 and 17707 (MCL 333.9204 and 333.17707), section 9204 as amended by 2006 PA 91 and section 17707 as amended by 2020 PA 142, and by adding sections 17724 and 17724a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 9204. **(1) ~~A~~Except as otherwise provided in subsection**  
2   **(2), a** health professional other than a physician may administer an  
3 immunizing agent as long as the agent is being administered under

1 the direction of a physician.

2 (2) **A pharmacist may order and administer an immunizing agent**  
3 **in accordance with section 17724.**

4 Sec. 17707. (1) "Parent pharmacy" means a pharmacy that  
5 operates a remote pharmacy through a telepharmacy system.

6 (2) "Personal charge" means the immediate physical presence of  
7 a pharmacist or dispensing prescriber.

8 (3) "Pharmacist" means an individual **who is** licensed under  
9 this article to engage in the practice of pharmacy.

10 (4) "Pharmacist in charge" or "PIC" means the pharmacist who  
11 is designated by a pharmacy, manufacturer, wholesale distributor,  
12 or wholesale distributor-broker as its pharmacist in charge under  
13 section 17748(2).

14 (5) "Pharmacist intern" or "intern" means an individual who  
15 satisfactorily completes the requirements set forth in rules  
16 promulgated by the department in consultation with the board and is  
17 licensed by the board for the purpose of obtaining instruction in  
18 the practice of pharmacy from a preceptor approved by the board.

19 (6) "Pharmacy" means a facility or part of a facility that is  
20 licensed under this part to dispense prescription drugs or prepare  
21 prescription drugs for delivery or distribution. Pharmacy does not  
22 include the office of a dispensing prescriber or an automated  
23 device. For the purpose of a duty placed on a pharmacy under this  
24 part, "pharmacy" means the person to which the pharmacy license is  
25 issued, unless otherwise specifically provided.

26 (7) "Pharmacy technician" means an individual who is required  
27 to hold a health profession subfield license under this part to  
28 serve as a pharmacy technician.

29 (8) "Practice of pharmacy" means a health service, the

1 clinical application of which includes the encouragement of safety  
2 and efficacy in the prescribing, dispensing, administering, and use  
3 of drugs and related articles for the prevention of illness, and  
4 the maintenance and management of health. Practice of pharmacy  
5 includes the direct or indirect provision of professional functions  
6 and services associated with the practice of pharmacy. Professional  
7 functions associated with the practice of pharmacy include the  
8 following:

9 (a) The interpretation and evaluation of the prescription.

10 (b) Drug product selection.

11 (c) The compounding, dispensing, safe storage, and  
12 distribution of drugs and devices.

13 (d) The maintenance of legally required records.

14 (e) Advising the prescriber and the patient as required as to  
15 contents, therapeutic action, utilization, and possible adverse  
16 reactions or interactions of drugs.

17 **(f) Ordering and administering immunizing agents in accordance**  
18 **with section 17724.**

19 **(g) Administering diagnostic laboratory tests classified by**  
20 **the Food and Drug Administration as waived, advising the patient on**  
21 **the results, and referring patients to prescribers for follow-up**  
22 **care.**

23 **Sec. 17724. (1) A pharmacist may, without acting under the**  
24 **direction of a physician, order and administer an immunizing agent**  
25 **to an individual who is 2.5 years of age or older if the immunizing**  
26 **agent is approved or authorized for use by the Food and Drug**  
27 **Administration.**

28 **(2) In accordance with section 16215, a pharmacist may**  
29 **delegate the administration of an immunizing agent under this**

1 section to a pharmacy technician who is otherwise qualified by  
2 education, training, or experience.

3 (3) A pharmacist or pharmacy technician who administers an  
4 immunizing agent under this section shall comply with guidelines  
5 established by the board in addition to any other requirement  
6 established by law, including, but not limited to, the requirements  
7 of section 9206.

8 (4) As used in this section, "immunizing agent" means that  
9 term as defined in section 9201.

10 Sec. 17724a. In accordance with section 16215, a pharmacist  
11 may delegate the administration of the diagnostic laboratory tests  
12 described in section 17707(8)(g) to a pharmacy technician who is  
13 otherwise qualified by education, training, or experience.