

HOUSE BILL NO. 4435

April 19, 2023, Introduced by Reps. Stone, Brenda Carter, Tsernoglou, Scott, Arbit, Dievendorf, McFall, Paiz, Hood, Neeley, Rheingans, Steckloff and Skaggs 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 section 17724.

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
4 the direction of a physician.

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

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

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

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

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

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

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

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

28 (8) "Practice of pharmacy" means a health service, the
29 clinical application of which includes the encouragement of safety

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

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

9 (b) Drug product selection.

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

12 (d) The maintenance of legally required records.

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

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

18 **Sec. 17724. (1) A pharmacist may order an immunizing agent for**
19 **and administer that immunizing agent to an individual if the**
20 **immunizing agent is approved or authorized for use by the Food and**
21 **Drug Administration, is recommended by the Advisory Committee on**
22 **Immunization Practices of the Centers for Disease Control and**
23 **Prevention, or has been authorized for emergency use by the Centers**
24 **for Disease Control and Prevention. Before ordering and**
25 **administering an immunizing agent under this section, the**
26 **pharmacist shall complete training approved by the board that is**
27 **established by the American Pharmacists Association or another**
28 **accredited program. The training described in this subsection must**
29 **include at least 4 hours of instruction on vaccines and immunology.**

1 (2) A pharmacy technician who is acting under the delegation
2 and supervision of a pharmacist in accordance with section 16215
3 may administer an immunizing agent under this section.

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

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