

# HOUSE BILL NO. 6281

December 10, 2024, Introduced by Rep. Skaggs and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 7333 (MCL 333.7333), as amended by 2020 PA 136.

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

1       Sec. 7333. (1) As used in this section, "good faith" means the  
2       prescribing or dispensing of a controlled substance by a  
3       practitioner licensed under section 7303 in the regular course of  
4       professional treatment to or for an individual who is under  
5       treatment by the practitioner for a pathology or condition other  
6       than that individual's physical or psychological dependence on or

addiction to a controlled substance, except as provided in this article. Application of good faith to a pharmacist means the dispensing of a controlled substance pursuant to a prescriber's order which, in the professional judgment of the pharmacist, is lawful. The pharmacist shall be guided by nationally accepted professional standards including, but not limited to, all of the following, in making the judgment:

(a) Lack of consistency in the doctor-patient relationship.

(b) Frequency of prescriptions for the same drug by 1 prescriber for larger numbers of patients.

(c) Quantities beyond those normally prescribed for the same drug.

(d) Unusual dosages.

(e) Unusual geographic distances between patient, pharmacist, and prescriber.

(2) Except as otherwise provided in this section, a practitioner, in good faith, may dispense a controlled substance included in schedule 2 that is a prescription drug as determined under section 503(b) of the federal food, drug, and cosmetic act, 21 USC 353, or section 17708, on receipt of either of the following:

(a) A prescription of a practitioner licensed under section 7303 on a prescription form. More than 1 prescription for a controlled substance included in schedule 2 may be included on a single prescription form.

(b) A prescription that is electronically transmitted under section 17754a.

(3) In an emergency situation, as described in R 338.3165 of the Michigan Administrative Code, a controlled substance included

1 in schedule 2 may be dispensed on the oral prescription of a  
2 practitioner if the prescribing practitioner promptly fills out a  
3 prescription form and forwards the prescription form to the  
4 dispensing pharmacy within 7 days after the oral prescription is  
5 issued. A prescription for a controlled substance included in  
6 schedule 2 must not be filled more than 90 days after the date on  
7 which the prescription was issued. A pharmacist, consistent with  
8 federal law and regulations on the partial filling of a controlled  
9 substance included in schedule 2, may partially fill in increments  
10 a prescription for a controlled substance included in schedule 2.

11 (4) A practitioner, in good faith, may dispense a controlled  
12 substance included in schedule 3, 4, or 5 that is a prescription  
13 drug as determined under section 503(b) of the federal food, drug,  
14 and cosmetic act, 21 USC 353, or section 17708, on receipt of any  
15 of the following:

16 (a) A prescription on a prescription form.

17 (b) An oral prescription of a practitioner.

18 (c) A prescription that is electronically transmitted under  
19 section 17754a.

20 (5) A prescription for a controlled substance included in  
21 schedule 3 or 4 must not be filled or refilled without specific  
22 refill instructions noted by the prescriber. A prescription for a  
23 controlled substance included in schedule 3 or 4 must not be filled  
24 or refilled later than 6 months after the date of the prescription  
25 or be refilled more than 5 times, unless renewed by the prescriber  
26 in accordance with rules promulgated by the administrator.

27 (6) A controlled substance included in schedule 5 must not be  
28 distributed or dispensed other than for a medical purpose, or in  
29 any manner except in accordance with rules promulgated by the

1 administrator.

2 (7) If a prescription is required under this section, the  
3 prescription must contain the quantity of the controlled substance  
4 prescribed in both written and numerical terms. A prescription is  
5 in compliance with this subsection if, in addition to containing  
6 the quantity of the controlled substance prescribed in written  
7 terms, it contains preprinted numbers representative of the  
8 quantity of the controlled substance prescribed next to which is a  
9 box or line the prescriber may check.

10 (8) A prescribing practitioner shall not use a prescription  
11 form for a purpose other than prescribing. A prescribing  
12 practitioner shall not postdate a prescription form that contains a  
13 prescription for a controlled substance. Until the date on which  
14 section 17754a applies, a prescriber may transmit a prescription by  
15 facsimile of a printed prescription form and by electronic  
16 transmission of a printed prescription form, if not prohibited by  
17 federal law. If, with the patient's consent, a prescription is  
18 electronically transmitted under this subsection, it must be  
19 transmitted directly to a pharmacy of the patient's choice by the  
20 prescriber or the prescriber's authorized agent, and the data must  
21 not be altered, modified, or extracted in the transmission process.

22 (9) Notwithstanding subsections (1) to (6), a class B dealer  
23 may acquire a limited permit only for the purpose of buying,  
24 possessing, and administering a commercially prepared, premixed  
25 solution of sodium pentobarbital to perform euthanasia on injured,  
26 sick, homeless, or unwanted domestic pets and other animals, if the  
27 class B dealer does all of the following:

28 (a) Applies to the administrator for a permit in accordance  
29 with rules promulgated under this part. The application must

1 contain the name of the individual in charge of the day-to-day  
2 operations of the class B dealer's facilities and the name of the  
3 individual responsible for designating employees who will be  
4 performing euthanasia on animals pursuant to this act.

5 (b) Complies with the rules promulgated by the administrator  
6 for the storage, handling, and use of a commercially prepared,  
7 premixed solution of sodium pentobarbital to perform euthanasia on  
8 animals. The class B dealer shall maintain a record of use and  
9 shall make the record available for inspection by the department of  
10 licensing and regulatory affairs, the department of agriculture and  
11 rural development, and the United States Department of Agriculture.

12 (c) Subject to subdivision (d), certifies that the class B  
13 dealer or an employee of the class B dealer has received, and can  
14 document completion of, a minimum of 16 hours of training,  
15 including at least 12 hours of content training and at least 4  
16 hours of practical training, in the use of a commercially prepared,  
17 premixed solution of sodium pentobarbital and an animal  
18 tranquilizer to perform euthanasia on animals from a training  
19 program approved by the state veterinarian, in consultation with  
20 the Michigan board of veterinary medicine, and given by a licensed  
21 veterinarian pursuant to rules promulgated by the administrator.  
22 The training described in this subdivision must comply with the  
23 American Veterinary Medical Association's guidelines for the  
24 euthanasia of animals.

25 (d) Until December 31, 2021, ensures that the class B dealer  
26 or an employee of the class B dealer who received, and can document  
27 the completion of, the 8 hours of training required immediately  
28 before May 22, 2018 only administers a commercially prepared,  
29 premixed solution of sodium pentobarbital to perform euthanasia on

1 the animals described in this subsection. Beginning January 1,  
2 2022, the individuals described in this subdivision must have  
3 received, and be able to document the completion of, the training  
4 described in subdivision (c) to administer a commercially prepared,  
5 premixed solution of sodium pentobarbital or an animal tranquilizer  
6 to perform euthanasia on the animals described in this subsection.

7 (e) Certifies that only an individual described in subdivision  
8 (c) or (d) or an individual otherwise permitted to use a controlled  
9 substance pursuant to this article will administer the commercially  
10 prepared, premixed solution of sodium pentobarbital or an animal  
11 tranquilizer according to written procedures established by the  
12 class B dealer.

13 (f) Beginning January 1, 2022, certifies that the individual  
14 in charge of the day-to-day operations of the class B dealer's  
15 facilities has received, and can document the completion of, the  
16 training described in subdivision (c).

17 (g) Complies with all state and federal laws, rules, and  
18 regulations regarding the acquisition, use, and security of  
19 controlled substances.

20 (10) Notwithstanding subsections (1) to (6), an animal control  
21 shelter or animal protection shelter ~~registered~~**licensed** with the  
22 department of agriculture and rural development pursuant to 1969 PA  
23 287, MCL 287.331 to 287.340, may acquire a limited permit only for  
24 the purpose of buying, possessing, and administering a commercially  
25 prepared, premixed solution of sodium pentobarbital, or an animal  
26 tranquilizer, to use exclusively as an adjunct in the process of  
27 performing euthanasia on injured, sick, homeless, or unwanted  
28 domestic pets and other animals, if the animal control shelter or  
29 animal protection shelter does all of the following:

1 (a) Applies to the administrator for a permit in accordance  
2 with rules promulgated under this part. The application must  
3 contain the name of the individual in charge of the day-to-day  
4 operations of the animal control shelter or animal protection  
5 shelter and the name of the individual responsible for designating  
6 employees who will be performing euthanasia on animals pursuant to  
7 this act.

8 (b) Complies with the rules promulgated by the administrator  
9 for the storage, handling, and use of a commercially prepared,  
10 premixed solution of sodium pentobarbital or an animal tranquilizer  
11 to perform euthanasia on animals. The animal control shelter or  
12 animal protection shelter shall maintain a record of use and make  
13 the record available for inspection by the department of licensing  
14 and regulatory affairs and the department of agriculture and rural  
15 development.

16 (c) Subject to subdivision (d), certifies that an employee of  
17 the animal control shelter or animal protection shelter has  
18 received, and can document completion of, a minimum of 16 hours of  
19 training, including at least 12 hours of content training and at  
20 least 4 hours of practical training, in the use of a commercially  
21 prepared, premixed solution of sodium pentobarbital and an animal  
22 tranquilizer to perform euthanasia on animals from a training  
23 program approved by the state veterinarian, in consultation with  
24 the Michigan board of veterinary medicine, and given by a licensed  
25 veterinarian pursuant to rules promulgated by the administrator.  
26 The training described in this subdivision must comply with the  
27 American Veterinary Medical Association's guidelines for the  
28 euthanasia of animals.

29 (d) Until December 31, 2021, ensures that an employee of the

1 animal control shelter or animal protection shelter who received,  
2 and can document the completion of, the training required  
3 immediately before May 22, 2018 only administers a commercially  
4 prepared solution of xylazine hydrochloride or a commercially  
5 prepared, premixed solution of sodium pentobarbital to perform  
6 euthanasia on the animals described in this subsection in  
7 accordance with ~~his or her~~ **the employee's** training. Beginning  
8 January 1, 2022, the employee described in this subdivision must  
9 have received, and be able to document the completion of, the  
10 training described in subdivision (c) to administer a commercially  
11 prepared, premixed solution of sodium pentobarbital or an animal  
12 tranquilizer to perform euthanasia on the animals described in this  
13 subsection.

14 (e) Certifies that only an individual described in subdivision  
15 (c) or (d) or an individual otherwise permitted to use a controlled  
16 substance pursuant to this article will administer a commercially  
17 prepared, premixed solution of sodium pentobarbital or an animal  
18 tranquilizer according to written procedures established by the  
19 animal control shelter or animal protection shelter.

20 (f) Beginning January 1, 2022, certifies that the individual  
21 in charge of the day-to-day operations of the animal control  
22 shelter or animal protection shelter has received, and can document  
23 the completion of, the training described in subdivision (c).

24 (g) Complies with all state and federal laws and regulations  
25 regarding the acquisition, use, and security of controlled  
26 substances.

27 (11) The application described in subsection (9) or (10) must  
28 include the names and addresses of all individuals employed by the  
29 animal control shelter or animal protection shelter or class B



1 dealer who have been trained as described in subsection (9) (c),  
2 (d), and (f) or (10) (c), (d), and (f) and the name of the  
3 veterinarian who trained them. The list of names and addresses must  
4 be updated every 6 months.

5 (12) If an animal control shelter or animal protection shelter  
6 or class B dealer issued a permit pursuant to subsection (9) or  
7 (10) does not have in its employ an individual trained as described  
8 in subsection (9) (c) or (d) and (9) (f), or (10) (c) or (d) and  
9 (10) (f), the animal control shelter or animal protection shelter or  
10 class B dealer shall immediately notify the administrator and shall  
11 cease to administer a commercially prepared, premixed solution of  
12 sodium pentobarbital or an animal tranquilizer for the purposes  
13 described in subsection (9) or (10) until the administrator is  
14 notified that 1 of the following has occurred:

15 (a) An individual trained as described in subsection (9) (c),  
16 (d), or (f) or (10) (c), (d), or (f) has been hired by the animal  
17 control shelter or animal protection shelter or class B dealer.

18 (b) An individual employed by the animal control shelter or  
19 animal protection shelter or class B dealer has been trained as  
20 described in subsection (9) (c) or (f) or (10) (c) or (f).

21 (13) A veterinarian, including a veterinarian who trains  
22 individuals as described in subsection (9) (c), (d), or (f), or  
23 (10) (c), (d), or (f), is not civilly or criminally liable for the  
24 use of a commercially prepared, premixed solution of sodium  
25 pentobarbital or an animal tranquilizer by an animal control  
26 shelter or animal protection shelter or a class B dealer, unless  
27 the veterinarian is employed by or under contract with the animal  
28 control shelter or animal protection shelter or class B dealer and  
29 the terms of the veterinarian's employment or the contract require

1 the veterinarian to be responsible for the use or administration of  
2 the commercially prepared, premixed solution of sodium  
3 pentobarbital or animal tranquilizer.

4 (14) A person shall not knowingly use or permit the use of a  
5 commercially prepared, premixed solution of sodium pentobarbital or  
6 an animal tranquilizer in violation of this section.

7 (15) This section does not require that a veterinarian be  
8 employed by or under contract with an animal control shelter, ~~or~~  
9 animal protection shelter, or class B dealer, to obtain, possess,  
10 or administer a commercially prepared, premixed solution of sodium  
11 pentobarbital or an animal tranquilizer pursuant to this section.

12 (16) Notwithstanding subsections (1) to (6), an animal control  
13 shelter ~~registered~~**licensed** with the department of agriculture and  
14 rural development pursuant to 1969 PA 287, MCL 287.331 to 287.340,  
15 may acquire a limited permit only for the purpose of buying,  
16 possessing, and administering an animal tranquilizer to sedate or  
17 immobilize an animal running at large that is dangerous or  
18 difficult to capture, if the animal control shelter does all of the  
19 following:

20 (a) Applies to the administrator for a permit in accordance  
21 with the rules promulgated under this part. The application must  
22 contain the name of the individual in charge of the day-to-day  
23 operations of the animal control shelter and the name of the  
24 individual responsible for designating employees who will be  
25 administering an animal tranquilizer pursuant to this act.

26 (b) Complies with the rules promulgated by the administrator  
27 for the storage, handling, and use of an animal tranquilizer. The  
28 animal control shelter shall maintain a record of use and shall  
29 make the record available for inspection by the department of

1 licensing and regulatory affairs and the department of agriculture  
2 and rural development.

3 (c) Subject to subdivision (d), certifies that an employee of  
4 the animal control shelter has received, and can document  
5 completion of, both of the following in the following order:

6 (i) The training described in subsection (10) (c).

7 (ii) A minimum of 16 hours of training, including at least 12  
8 hours of content training and at least 4 hours of practical  
9 training, in the use of animal tranquilizers to sedate or  
10 immobilize the animals described in this subsection from a training  
11 program approved by the state veterinarian, in consultation with  
12 the Michigan board of veterinary medicine, and given by a licensed  
13 veterinarian pursuant to rules promulgated by the administrator.

14 (d) Until December 31, 2021, ensures that an employee of the  
15 animal control shelter who received, and can document the  
16 completion of, the training required immediately before May 22,  
17 2018 only administers a commercially prepared solution of xylazine  
18 hydrochloride to sedate or immobilize the animals described in this  
19 subsection. Beginning January 1, 2022, the employee described in  
20 this subdivision must have received, and be able to document the  
21 completion of, the training described in subdivision (c) to  
22 administer an animal tranquilizer to perform euthanasia on the  
23 animals described in this subsection.

24 (e) Certifies that only an individual described in subdivision  
25 (c) or (d) or an individual otherwise permitted to use a controlled  
26 substance pursuant to this article will administer an animal  
27 tranquilizer according to written procedures established by the  
28 animal control shelter.

29 (f) Beginning January 1, 2022, certifies that the individual

1 in charge of the day-to-day operations of the animal control  
2 shelter has received, and can document the completion of, the  
3 training described in subdivision (c).

4 (g) Complies with all state and federal laws, rules, and  
5 regulations regarding the acquisition, use, and security of  
6 controlled substances.

7 (17) The application described in subsection (16) must include  
8 the names and business addresses of all individuals employed by the  
9 animal control shelter who have been trained as described in  
10 subsection (16)(c), (d), and (f) and must include documented proof  
11 of the training. The list of names and business addresses must be  
12 updated every 6 months.

13 (18) If an animal control shelter issued a permit pursuant to  
14 subsection (16) does not have in its employ an individual trained  
15 as described in subsection (16)(c) or (d) and (16)(f), the animal  
16 control shelter shall immediately notify the administrator and  
17 shall cease to administer an animal tranquilizer for the purposes  
18 described in subsection (16) until the administrator is notified  
19 that 1 of the following has occurred:

20 (a) An individual trained as described in subsection (16)(c),  
21 (d), or (f) has been hired by the animal control shelter.

22 (b) An individual employed by the animal control shelter has  
23 been trained as described in subsection (16)(c) or (f).

24 (19) A veterinarian, including a veterinarian who trains  
25 individuals as described in subsection (16)(c), (d), or (f), is not  
26 civilly or criminally liable for the use of an animal tranquilizer  
27 by an animal control shelter unless the veterinarian is employed by  
28 or under contract with the animal control shelter and the terms of  
29 the veterinarian's employment or the contract require the

1 veterinarian to be responsible for the use or administration of an  
2 animal tranquilizer.

3 (20) As used in this section:

4 (a) "Animal tranquilizer" means a commercially prepared  
5 solution of xylazine hydrochloride, a commercially prepared  
6 solution of ketamine, or a commercially prepared compound  
7 containing tiletamine and zolazepam.

8 (b) "Class B dealer" means a class B dealer licensed by the  
9 United States Department of Agriculture pursuant to the animal  
10 welfare act, 7 USC 2131 to 2160 and the department of agriculture  
11 and rural development pursuant to 1969 PA 224, MCL 287.381 to  
12 287.395.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
15 06071'24) of the 102nd Legislature is enacted into law.