

HOUSE BILL NO. 5108

October 22, 2025, Introduced by Reps. Farhat and Rheingans and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5111, 17703, 17707, 17708, 17724a, 17744,
17744a, 17751, 17757, and 17763 (MCL 333.5111, 333.17703,
333.17707, 333.17708, 333.17724a, 333.17744, 333.17744a, 333.17751,
333.17757, and 333.17763), section 5111 as amended by 2016 PA 64,
sections 17703, 17707, 17708, 17744, 17751, and 17757 as amended by
2024 PA 242, section 17724a as added by 2023 PA 97, section 17744a
as amended by 2020 PA 311, and section 17763 as amended by 2016 PA

49, and by adding section 17744h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5111. (1) In carrying out its authority under this
2 article, the department shall maintain a list of reportable
3 diseases, infections, and disabilities that designates and
4 classifies communicable, serious communicable, chronic, or
5 noncommunicable diseases, infections, and disabilities. The
6 department shall review and revise the list under this subsection
7 at least annually.

8 (2) ~~In~~**Subject to subsection (4), in** carrying out its
9 authority under this article, the department may promulgate rules
10 to do any of the following:

11 (a) Establish requirements for reporting and other
12 surveillance methods for measuring the occurrence of diseases,
13 infections, and disabilities and the potential for epidemics. Rules
14 promulgated under this subdivision may require a licensed health
15 professional or health facility to submit to the department or a
16 local health department, on a form provided by the department, a
17 report of the occurrence of a communicable disease, serious
18 communicable disease or infection, or disability. The rules
19 promulgated under this subdivision may require a report to be
20 submitted to the department not more than 24 hours after a licensed
21 health professional or health facility determines that an
22 individual has a serious communicable disease or infection.

23 (b) Investigate cases, epidemics, and unusual occurrences of
24 diseases, infections, and situations with a potential for causing
25 diseases.

26 (c) Establish procedures for controlling diseases and
27 infections, including, but not limited to, immunization and

1 environmental controls.

2 (d) Establish procedures for preventing, detecting, and
3 treating disabilities and rehabilitating individuals suffering from
4 disabilities or disease, including nutritional problems.

5 (e) Establish procedures for controlling rabies and the
6 disposition of nonhuman agents carrying disease, including rabid
7 animals.

8 (f) Establish procedures for reporting known or suspected
9 cases of lead poisoning or undue lead body burden.

10 (g) Designate communicable diseases or serious communicable
11 diseases or infections for which local health departments are
12 required to furnish care, including, but not limited to,
13 tuberculosis and sexually transmitted infection.

14 (h) Implement this part and parts 52 and 53, including, but
15 not limited to, rules for discovering, caring for, and reporting an
16 individual having or suspected of having a communicable disease or
17 a serious communicable disease or infection, and establishing
18 approved tests under section 5123 and approved prophylaxes under
19 section 5125.

20 (3) The department shall promulgate rules providing for the
21 confidentiality of reports, records, and data pertaining to
22 testing, care, treatment, reporting, and research associated with
23 communicable diseases and serious communicable diseases or
24 infections.

25 **(4) Beginning on the effective date of the amendatory act that**
26 **amended section 17724a, a pharmacist administering a qualified**
27 **laboratory test in accordance with section 17724a shall report the**
28 **occurrence of a disease, infection, or disability in the same**
29 **manner as required for other licensed health professionals under**

subsection (2). As used in this subsection, "pharmacist" means that term as defined in section 17707.

Sec. 17703. (1) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a drug or device from 1 person to another.

(2) "Device" means an instrument, apparatus, or contrivance, including its components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals, or to affect the structure or function of the body of human beings or other animals.

(3) "Dispense" means the preparation, compounding, packaging, or labeling of a drug pursuant to any of the following:

(a) A prescription.

(b) An authorization issued by a prescriber.

(c) Section ~~17724a or 17744f~~.

(4) "Dispensing prescriber" means a prescriber, other than a veterinarian, who dispenses prescription drugs.

(5) Except as otherwise provided in section 17780, "distribute" or "distribution" means to sell, offer for sale, deliver, offer to deliver, broker, give away, or transfer a drug, whether by passage of title or physical movement. The term does not include any of the following:

(a) Dispensing or administering a drug.

(b) The delivery of a drug, or offering to deliver a drug, by a common carrier in the usual course of business as a common carrier.

(c) The delivery of a drug via an automated device under section 17760.

(6) "Drug" means any of the following:

1 (a) A substance recognized or for which the standards or
2 specifications are prescribed in the official compendium.

3 (b) A substance intended for use in the diagnosis, cure,
4 mitigation, treatment, or prevention of disease in human beings or
5 other animals.

6 (c) A substance, other than food, intended to affect the
7 structure or a function of the body of human beings or other
8 animals.

9 (d) A substance intended for use as a component of a substance
10 specified in subdivision (a), (b), or (c), but not including a
11 device or its components, parts, or accessories.

12 (7) "Electronic signature" means an electronic sound, symbol,
13 or process attached to or logically associated with a record and
14 executed or adopted by a person with the intent to sign the record.

15 (8) "Electronically transmitted prescription" means the
16 communication of an original prescription or refill authorization
17 by electronic means including computer to computer, computer to
18 facsimile machine, or email transmission that contains the same
19 information it contained when the prescriber or the prescriber's
20 agent transmitted the prescription. Electronically transmitted
21 prescription does not include a prescription or refill
22 authorization transmitted by telephone or facsimile machine.

23 (9) "Emergency contraceptive" means a drug approved by the FDA
24 to prevent pregnancy as soon as possible following unprotected
25 sexual intercourse or a known or suspected contraceptive failure.

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

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

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

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

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

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

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

22 (8) "Practice of pharmacy" means a health service, the
23 clinical application of which includes the encouragement of safety
24 and efficacy in the prescribing, dispensing, administering, and use
25 of drugs and related articles for the prevention of illness, and
26 the maintenance and management of health. Practice of pharmacy
27 includes the direct or indirect provision of professional functions
28 and services associated with the practice of pharmacy. Professional
29 functions associated with the practice of pharmacy include the

1 following:

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

3 (b) Drug product selection.

4 (c) The compounding, dispensing, safe storage, and
5 distribution of drugs and devices.

6 (d) The maintenance of legally required records.

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

10 (f) Ordering and administering qualified immunizing agents in
11 accordance with section 17724.

12 (g) Ordering, ~~and administering,~~ **and interpreting the results**
13 **of** qualified laboratory tests in accordance with section 17724a.

14 (h) Issuing prescriptions for hormonal contraceptive patches,
15 self-administered hormonal contraceptives, emergency
16 contraceptives, and vaginal ring hormonal contraceptives in
17 accordance with section 17744g.

18 **(i) Issuing prescriptions for auto-injectable epinephrine in**
19 **accordance with section 17744a.**

20 **(j) Issuing prescriptions for prescription drugs and devices**
21 **in accordance with section 17744h.**

22 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the
23 board to direct the training of an intern in an approved pharmacy.

24 (2) "Prescriber" means a licensed dentist; a licensed doctor
25 of medicine; a licensed doctor of osteopathic medicine and surgery;
26 a licensed doctor of podiatric medicine and surgery; a licensed
27 physician's assistant; subject to part 174, a licensed optometrist;
28 subject to section 17211a, an advanced practice registered nurse; a
29 licensed veterinarian; subject to subsection (7), a registered

1 professional nurse who holds a specialty certification as a nurse
2 anesthetist under section 17210 when engaging in the practice of
3 nursing and providing the anesthesia and analgesia services
4 described in section 17210(3); or any other licensed health
5 professional acting under the delegation and using, recording, or
6 otherwise indicating the name of the delegating licensed doctor of
7 medicine or licensed doctor of osteopathic medicine and surgery. As
8 used in this subsection:

9 (a) "Advanced practice registered nurse" means that term as
10 defined in section 17201 and includes a licensed advanced practice
11 registered nurse.

12 (b) "License" means that term as defined in section 16106 and
13 includes an authorization issued under the laws of another state or
14 province of Canada to practice a profession described in this
15 subsection in that state or province of Canada where practice would
16 otherwise be unlawful.

17 (3) "Prescription" means an order by a prescriber to fill,
18 compound, or dispense a drug or device written and signed; written
19 or created in an electronic format, signed, and transmitted by
20 facsimile; or transmitted electronically or by other means of
21 communication. An order transmitted in other than written or hard-
22 copy form must be electronically recorded, printed, or written and
23 immediately dated by the pharmacist, and that record is considered
24 the original prescription. In a health facility or agency licensed
25 under article 17 or other medical institution, an order for a drug
26 or device in the patient's chart is considered for the purposes of
27 this definition the original prescription. For purposes of this
28 part, prescription also includes a standing order issued under
29 section 17744e; ~~and~~ **an order issued by a pharmacist under section**

1 **17744g** to dispense a hormonal contraceptive patch, a self-
 2 administered hormonal contraceptive, an emergency contraceptive, or
 3 a vaginal ring hormonal contraceptive; ~~issued by a pharmacist under~~
 4 ~~section 17744g.~~ **and an order issued by a pharmacist under sections**
 5 **17744a and 17744h to dispense drugs or devices.** Subject to section
 6 17751(2) and (5), prescription includes, but is not limited to, an
 7 order for a drug, not including a controlled substance except under
 8 circumstances described in section 17763(e), written and signed;
 9 written or created in an electronic format, signed, and transmitted
 10 by facsimile; or transmitted electronically or by other means of
 11 communication by a prescriber in another state or province of
 12 Canada.

13 (4) Subject to subsection (5), "prescription drug" means a
 14 drug to which 1 or more of the following apply:

15 (a) The drug is dispensed pursuant to a prescription.

16 (b) The drug bears the federal legend "CAUTION: federal law
 17 prohibits dispensing without prescription" or "Rx only".

18 (c) The drug is designated by the board as a drug that may
 19 only be dispensed pursuant to a prescription.

20 (5) For purposes of this part, prescription drug also includes
 21 a drug dispensed pursuant to section ~~17724a or~~ 17744f.

22 (6) "Remote pharmacy" means a pharmacy described in sections
 23 17742a and 17742b.

24 (7) The authority of a registered professional nurse who holds
 25 a specialty certification as a nurse anesthetist under section
 26 17210 to prescribe pharmacological agents is limited to
 27 pharmacological agents for administration to patients as described
 28 in section 17210(3)(b), (c), or (d). Subsection (2) does not
 29 require new or additional ~~third-party~~ **third-party** reimbursement or

1 mandated worker's compensation benefits for anesthesia and
2 analgesia services provided under section 17210(3) by a registered
3 professional nurse who holds a specialty certification as a nurse
4 anesthetist under section 17210.

5 Sec. 17724a. (1) Subject to this section, a pharmacist may
6 order a qualified laboratory test for and administer the qualified
7 laboratory test to an individual if the qualified laboratory test
8 meets all of the following requirements:

9 (a) The qualified laboratory test is classified as waived by
10 the Food and Drug Administration.

11 (b) The qualified laboratory test requires only the use of a
12 specimen collected by a nasal or throat swab or a finger prick.

13 (c) The qualified laboratory test is used to detect or screen
14 for any of the following:

15 (i) COVID-19.

16 (ii) Influenza.

17 (iii) ~~A respiratory infection.~~ **Respiratory syncytial virus.**

18 (iv) **Streptococcal tonsillitis and pharyngitis.**

19 (v) **The absence of HIV as shown by a negative antigen and**
20 **antibody test.**

21 (vi) **Hepatitis C virus.**

22 (vii) **Any other condition as authorized by a rule promulgated**
23 **under this section.**

24 (2) Before ordering or administering a qualified laboratory
25 test under this section, a pharmacist shall successfully complete
26 the training program approved under subsection (5).

27 (3) **Before ordering or administering a qualified laboratory**
28 **test for streptococcal tonsillitis and pharyngitis for an individual**
29 **under this section, a pharmacist shall use the Centor criteria to**

1 **determine whether the administration of the qualified laboratory**
2 **test for streptococcal tonsillitis and pharyngitis is appropriate**
3 **for the individual.**

4 **(4) ~~(3)~~—A pharmacist who orders a qualified laboratory test**
5 **for or administers a qualified laboratory test to an individual**
6 **under this section shall advise the individual of the test result**
7 **and refer the individual to a ~~physician, or another health~~**
8 **~~professional, designated by the individual.~~the individual's primary**
9 **care physician or, if the individual does not have a primary care**
10 **physician, to another licensed health professional that the**
11 **pharmacist considers appropriate.**

12 ~~(4) A pharmacist who orders a qualified laboratory test for~~
13 ~~and administers that qualified laboratory test to an individual~~
14 ~~under this section for purposes of detecting or screening for~~
15 ~~COVID-19 or influenza may, without a prescription, dispense a drug~~
16 ~~to the individual if all of the following are met:~~

17 ~~(a) The pharmacist determines that the drug is needed to treat~~
18 ~~the individual for COVID-19 or influenza based on the individual's~~
19 ~~test result.~~

20 ~~(b) The drug is an antiviral drug and is available at the~~
21 ~~pharmacy.~~

22 ~~(c) The drug is provided pursuant to protocols established by~~
23 ~~the Centers for Disease Control and Prevention or public health~~
24 ~~guidelines established by the department of health and human~~
25 ~~services.~~

26 ~~(d) The pharmacist complies with subsection (3) and any other~~
27 ~~requirement established by rule under this section.~~

28 **(5) The department, in consultation with the board, shall**
29 **promulgate rules to implement this section. The rules must require**

the training program required under this section to require a pharmacist to demonstrate sufficient knowledge of ~~how both of the following:~~

(a) **How** to administer and interpret **the result of** each **qualified** laboratory test that the pharmacist may order or administer under this section. ~~and to demonstrate sufficient knowledge of each illness, condition, or disease described in subsection (1) for which the pharmacist provides treatment based on the results of a qualified laboratory test.~~

(b) **The Centor criteria.**

(6) This section does not prohibit a pharmacist from doing any of the following:

(a) Ordering or administering a laboratory test as a delegated act of a physician or another health professional under section 16215.

(b) Ordering or administering a laboratory test pursuant to federal law or an emergency order.

~~(c) Dispensing a drug to a patient without a prescription pursuant to federal law or an emergency order.~~

(7) As used in this section: ~~"qualified~~

(a) **"HIV" means that term as defined in section 5101.**

(b) **"Qualified** laboratory test" means a laboratory test meeting the requirements described in subsection (1).

Sec. 17744. (1) A prescriber may designate an agent to act on behalf of or at the discretion of that prescriber. A designation of an agent by a prescriber under this section is not required to be in writing to be a valid designation. If a designation of an agent by a prescriber under this section is contained in a written document, the prescriber or the agent may transmit that document to

1 a pharmacy that will dispense a prescription issued by that
2 prescriber.

3 (2) Except as otherwise provided in this part, only a
4 prescriber who is acting within the scope of the prescriber's
5 practice may issue a prescription. An agent may prepare and
6 transmit a prescription that has been signed by the prescriber,
7 including a signature that meets the requirements of section 17754
8 or 17754a. The prescriber issuing a prescription and the pharmacist
9 issuing a prescription in accordance with this part or dispensing a
10 drug or device under a prescription ~~is~~**are** responsible for all of
11 the requirements of state and federal law, rules, and regulations
12 regarding the issuance of prescriptions and dispensing of drugs or
13 devices under prescriptions.

14 (3) A prescriber or the prescriber's agent may transmit to a
15 pharmacy a prescription that is contained within a patient's chart
16 in a health facility or agency licensed under article 17 or other
17 medical institution. A prescription that is contained within a
18 patient's chart in a health facility or agency licensed under
19 article 17 or other medical institution and that is created in an
20 electronic format may contain more than 6 prescriptions and may
21 contain prescriptions for schedule 3 to 5 controlled substances and
22 noncontrolled substances on the same form.

23 Sec. 17744a. (1) Notwithstanding any provision of this act to
24 the contrary, a prescriber **or pharmacist** may issue a prescription
25 for and a dispensing prescriber or pharmacist may dispense auto-
26 injectable epinephrine to an authorized entity. When issuing a
27 prescription for or dispensing auto-injectable epinephrine to an
28 authorized entity as authorized under this section, the prescriber,
29 dispensing prescriber, or pharmacist, as appropriate, shall insert

1 the name of the authorized entity as the name of the patient.

2 (2) A school employee who is a licensed registered
3 professional nurse or who is trained in the administration of an
4 epinephrine auto-injector under section 1179a of the revised school
5 code, 1976 PA 451, MCL 380.1179a, may possess and administer an
6 epinephrine auto-injector dispensed to a school board under this
7 section.

8 (3) An authorized entity as defined in subsection (6) (b) may
9 acquire and stock a supply of auto-injectable epinephrine under a
10 prescription as authorized in this section. An authorized entity as
11 defined in subsection (6) (b) that acquires and stocks a supply of
12 auto-injectable epinephrine is subject to section 17744d.

13 (4) A law enforcement officer or firefighter of an authorized
14 entity as defined in subsection (6) (c) may, subject to section 2 of
15 the law enforcement and firefighter access to epinephrine act, **2020**
16 **PA 312, MCL 28.822**, possess and administer auto-injectable
17 epinephrine dispensed to the entity under this section.

18 (5) ~~A prescriber~~ **An individual** who issues a prescription for
19 ~~or a dispensing prescriber or pharmacist who dispenses auto-~~
20 injectable epinephrine to an authorized entity as authorized under
21 this section is not liable in a civil action for a properly stored
22 and dispensed epinephrine auto-injector that was a proximate cause
23 of injury or death to an individual due to the administration of or
24 failure to administer the epinephrine auto-injector.

25 (6) As used in this section, "authorized entity" means any of
26 the following:

27 (a) A school board for the purpose of meeting the requirements
28 of section 1179a of the revised school code, 1976 PA 451, MCL
29 380.1179a.

1 (b) A person or governmental entity that operates or conducts
2 a business or activity at which allergens capable of causing
3 anaphylaxis may be present, including, but not limited to, a
4 recreation camp, youth sports league, amusement park, nonpublic
5 school, religious institution, or sports arena.

6 (c) An eligible entity authorized to purchase, possess, and
7 distribute auto-injectable epinephrine under the law enforcement
8 and firefighter access to epinephrine act, 2020 PA 312, MCL 28.821
9 to 28.823.

10 **Sec. 17744h. (1) Pursuant to rules promulgated under this**
11 **section and except as otherwise provided in subsection (3), a**
12 **pharmacist may issue a prescription for and dispense to an**
13 **individual any of the following:**

14 (a) A prescription drug that is an antibiotic to treat
15 streptococcal tonsillitis and pharyngitis, if the individual was
16 administered a qualified laboratory test under section 17724a at
17 the pharmacy for streptococcal tonsillitis and pharyngitis and the
18 pharmacist obtained a positive test result for streptococcal
19 tonsillitis and pharyngitis from the individual.

20 (b) A prescription drug that is an antiviral to treat COVID-19
21 or influenza, if the individual was administered a qualified
22 laboratory test under section 17724a at the pharmacy for COVID-19
23 or influenza and the pharmacist obtained a positive test result for
24 COVID-19 or influenza from the individual.

25 (c) A prescription drug approved by the FDA for tobacco
26 cessation if all of the following requirements are met:

27 (i) The individual is not considered to be high risk, the
28 prescription drug is not considered to be contraindicated, and the
29 individual does not meet any other condition established by rule

1 that would render the individual ineligible for receiving the
2 prescription drug, based on screening conducted by the pharmacist
3 under this section.

4 (ii) On issuing the prescription for and dispensing the
5 prescription drug to the individual, the pharmacist refers the
6 individual to the individual's primary care physician or, if the
7 individual does not have a primary care physician, to another
8 licensed health professional that the pharmacist considers
9 appropriate, for a follow-up consultation.

10 (iii) The pharmacist complies with any other requirement
11 established by rule, including, but not limited to, a requirement
12 that the pharmacist successfully complete a training course on
13 tobacco cessation products before issuing a prescription described
14 in this subdivision.

15 (d) A prescription drug approved by the FDA to treat either of
16 the following conditions:

17 (i) Lice, if the prescription drug is in the form of a topical
18 treatment.

19 (ii) Herpes skin lesions, if the prescription drug is for the
20 acute treatment of the virus.

21 (e) Any of the following devices:

22 (i) An inhalation spacer.

23 (ii) A nebulizer.

24 (iii) A blood sugar testing device for diabetes.

25 (iv) A syringe.

26 (f) A travel drug, if the pharmacist successfully completes a
27 course on travel medicine, the travel drug is indicated for the
28 individual's intended destination of travel, and the travel drug is
29 dispensed in an amount limited to a 3-month supply or less. On

1 issuing the prescription for and dispensing the travel drug to the
2 individual, the pharmacist shall refer the individual to the
3 individual's primary care physician or, if the individual does not
4 have a primary care physician, to another licensed health
5 professional that the pharmacist considers appropriate, for a
6 follow-up consultation. If a pharmacist issues a prescription for a
7 travel drug under this subdivision, the pharmacist shall advise the
8 individual on a qualified immunizing agent recommended for the
9 individual's intended destination of travel based on guidelines
10 from the Centers for Disease Control and Prevention and the
11 pharmacist may administer the qualified immunizing agent to the
12 individual in accordance with section 17724.

13 (g) A prescription drug or device, other than a drug or device
14 described in section 17744f, for which the rules promulgated under
15 this section specifically authorize a pharmacist to issue a
16 prescription. The rules must require that a drug or device
17 prescribed under this subdivision be prescribed in accordance with
18 the FDA's approved labeling for the drug or device. A drug or
19 device prescribed under this subdivision is limited to a
20 prescription drug or device to treat a condition that meets any of
21 the following requirements:

22 (i) The condition does not require a new diagnosis.

23 (ii) The condition is minor and generally self-limiting.

24 (iii) In the professional judgment of the pharmacist, the
25 condition threatens the health or safety of the individual if the
26 prescription drug or device is not immediately dispensed. The
27 pharmacist shall only dispense a prescription drug or device for a
28 condition described under this subparagraph in the minimum quantity
29 necessary until the patient is able to be seen by a physician or

1 another health professional.

2 (2) If a pharmacist, in the pharmacist's professional
3 judgment, believes that an individual's symptoms require
4 symptomatic management for an upper respiratory illness, the
5 pharmacist may recommend a product that is available over the
6 counter to the individual.

7 (3) A pharmacist shall not issue a prescription for or
8 dispense a controlled substance under this section or a rule
9 promulgated under this section.

10 (4) The department, in consultation with the board, shall
11 promulgate rules to implement this section. The rules must include
12 at least all of the following for the dispensing of a prescription
13 drug approved by the FDA for tobacco cessation under this section:

14 (a) Standard screening procedures that are based on clinical
15 practice guidelines for determining whether an individual is
16 considered high risk, whether the prescription drug is
17 contraindicated, or whether the individual meets a condition
18 described in subdivision (b).

19 (b) The conditions under which an individual is ineligible to
20 receive the prescription drug and must instead be referred to the
21 individual's primary care physician or, if the individual does not
22 have a primary care physician, to another licensed health
23 professional that the pharmacist considers appropriate, or to a
24 tobacco treatment specialist.

25 (c) Standards for recommending that an individual who receives
26 the prescription drug receive additional assistance for tobacco
27 cessation, including, but not limited to, counseling or other
28 evidence-based tobacco cessation interventions.

29 (5) This section does not prohibit a pharmacist from

1 dispensing a drug to a patient without a prescription pursuant to
2 federal law or an emergency order.

3 (6) As used in this section:

4 (a) "COVID-19" means severe acute respiratory syndrome
5 coronavirus 2 (SARS-CoV-2).

6 (b) "Michigan care improvement registry" means the Michigan
7 care improvement registry established under section 9207.

8 (c) "Qualified immunizing agent" means that term as defined in
9 section 17724.

10 (d) "Travel drug" means a prescription drug that is
11 recommended for an individual who is traveling outside of the
12 United States as set forth in the "Health Information for
13 International Travel", a publication by the Centers for Disease
14 Control and Prevention that is commonly referred to as the "Yellow
15 Book".

16 Sec. 17751. (1) Except as otherwise provided in ~~sections~~
17 ~~17724a and section~~ 17744f, a pharmacist shall not dispense a drug
18 requiring a prescription under the federal act or a law of this
19 state except under authority of an original prescription or an
20 equivalent record of an original prescription approved by the
21 board. A pharmacist described in section 17742b(2) may dispense a
22 drug pursuant to an original prescription received at a remote
23 pharmacy if the pharmacist receives, reviews, and verifies an exact
24 digital image of the prescription received at the remote pharmacy
25 before the drug is dispensed at the remote pharmacy.

26 (2) Subject to this subsection and subsections (1) and (5), a
27 pharmacist may dispense a drug or device pursuant to a prescription
28 written and signed; written or created in an electronic format,
29 signed, and transmitted by facsimile; or transmitted electronically

1 or by other means of communication by a prescriber in another state
2 or province of Canada, but not including a prescription for a
3 controlled substance except under circumstances described in
4 section 17763(e). Before dispensing a drug or device pursuant to a
5 prescription under this subsection, the pharmacist, in the exercise
6 of the pharmacist's professional judgment, must determine all of
7 the following:

8 (a) Except as otherwise authorized under section 5110, 17744a,
9 or 17744b, if the prescriber is not a veterinarian, that the
10 prescription was issued pursuant to an existing prescriber-patient
11 relationship.

12 (b) That the prescription is authentic.

13 (c) That the prescribed drug is appropriate and necessary for
14 the treatment of an acute, chronic, or recurrent condition.

15 (3) A pharmacist or a prescriber shall dispense a drug or
16 device pursuant to a prescription only if the prescription falls
17 within the scope of practice of the prescriber or if the
18 prescription was issued by a pharmacist in accordance with this
19 part.

20 (4) A ~~pharmacist shall not knowingly dispense a~~ drug or device
21 **must not be knowingly dispensed** pursuant to a prescription after
22 the death of the patient.

23 (5) A pharmacist shall not dispense a drug or device pursuant
24 to a prescription transmitted by facsimile or created in electronic
25 format and printed out for use by the patient unless the document
26 is manually signed by the prescriber. This subsection does not
27 apply to any of the following:

28 (a) A prescription that is transmitted by a computer to a
29 facsimile machine if that prescription complies with section 17754

1 or 17754a.

2 (b) A prescription that is received by a remote pharmacy and
3 made available to a pharmacist described in section 17742b(2) for
4 review and verification in the manner required under subsection
5 (1).

6 (6) After consultation with and agreement from the prescriber,
7 a pharmacist may add or change a patient's address, a dosage form,
8 a drug strength, a drug quantity, a direction for use, or an issue
9 date with regard to a prescription. A pharmacist shall note the
10 details of the consultation and agreement required under this
11 subsection on the prescription or, if the drug is dispensed at a
12 remote pharmacy, on the digital image of the prescription described
13 in subsection (1), and shall maintain that documentation with the
14 prescription as required in section 17752. A pharmacist shall not
15 change the patient's name, controlled substance prescribed unless
16 authorized to dispense a lower cost generically equivalent drug
17 product under section 17755, or the prescriber's signature with
18 regard to a prescription.

19 (7) A prescription that is contained within a patient's chart
20 in a health facility or agency licensed under article 17 or other
21 medical institution and that is transmitted to a pharmacy under
22 section 17744 is the original prescription. If all other
23 requirements of this part are met, a pharmacist shall dispense a
24 drug or device pursuant to a prescription described in this
25 subsection. A pharmacist may dispense a drug or device pursuant to
26 a prescription described in this subsection even if the
27 prescription does not contain the quantity ordered. If a
28 prescription described in this subsection does not contain the
29 quantity ordered, the pharmacist shall consult with the prescriber

1 to determine an agreed-upon quantity. The pharmacist shall record
2 the quantity dispensed on the prescription and shall maintain that
3 documentation with the prescription as required in section 17752.

4 (8) If, after consulting with a patient, a pharmacist
5 determines in the exercise of the pharmacist's professional
6 judgment that dispensing additional quantities of a prescription
7 drug is appropriate for the patient, the pharmacist may dispense,
8 at one time, additional quantities of the prescription drug up to
9 the total number of dosage units authorized by the prescriber on
10 the original prescription for the patient and any refills of the
11 prescription. Except for a controlled substance included in
12 schedule 5 that does not contain an opioid, this subsection does
13 not apply to a prescription for a controlled substance.

14 (9) Notwithstanding any provision of this section, a
15 pharmacist who receives a prescription under subsection (2) from an
16 advanced practice registered nurse prescriber or physician's
17 assistant prescriber in another state or province of Canada may
18 dispense the drug or device without determining whether the
19 advanced practice registered nurse prescriber or physician's
20 assistant prescriber is authorized under the laws of the other
21 state or province of Canada to issue the prescription.

22 Sec. 17757. (1) When a pharmacist engaged in the business of
23 selling drugs receives a prescription, the pharmacist may, or, when
24 the pharmacist receives a request made in person or by telephone,
25 the pharmacist shall provide the current selling price of a drug
26 dispensed by that pharmacy or comparative current selling prices of
27 generic and brand name drugs or biosimilar drug products dispensed
28 by that pharmacy. If information is provided under this subsection,
29 it must be provided before a drug is dispensed. A person that makes

1 a request for or receives price information under this subsection
2 is not obligated to purchase the drug for which the price or
3 comparative prices are requested or received. A pharmacy or a
4 pharmacist described in this subsection shall not enter into a
5 contract that prohibits the disclosure of the information described
6 in this subsection.

7 (2) A pharmacist engaged in the business of selling drugs
8 shall conspicuously display the notice described in subsection (3)
9 at each counter over which prescription drugs are dispensed.

10 (3) The notice required under subsection (2) must be in
11 substantially the following form:

12 NOTICE TO CONSUMERS

13 ABOUT PRESCRIPTION DRUGS

14 Under Michigan law, you have the right to find out the price
15 of a prescription drug before the pharmacist fills the
16 prescription. You are under no obligation to have the prescription
17 filled here and may use this price information to shop around at
18 other pharmacies. You may request price information in person or by
19 telephone.

20 Every pharmacy has the current selling prices of both generic
21 and brand name drugs dispensed by the pharmacy.

22 Ask your pharmacist if a lower-cost generic drug is available
23 to fill your prescription. A generic drug contains the same
24 medicine as a brand name drug and is a suitable substitute in most
25 instances.

26 A generic drug may not be dispensed by your pharmacist if your
27 doctor has written "dispense as written" or the initials "d.a.w."
28 on the prescription.

29 If you have questions about the drugs that have been

1 prescribed for you, ask your doctor or pharmacist for more
2 information.

3 To avoid dangerous drug interactions, let your doctor and
4 pharmacist know about any other medications you are taking. This is
5 especially important if you have more than 1 doctor or have
6 prescriptions filled at more than 1 pharmacy.

7 (4) The notice required under subsection (2) must also contain
8 the address and phone number of the board and the department. The
9 text of the notice must be in at least 32-point bold type and be
10 printed on paper at least 11 inches by 17 inches in size. The
11 notice may be printed on multiple pages.

12 (5) The department shall provide a copy of the notice required
13 under subsection (2) to each licensee. The department shall provide
14 additional copies if needed. A person may duplicate or reproduce
15 the notice if the duplication or reproduction is a true copy of the
16 notice as produced by the department, without any additions or
17 deletions.

18 (6) The pharmacist shall furnish to the purchaser of a
19 prescription drug at the time the drug is delivered to the
20 purchaser a receipt evidencing the transactions that contains all
21 of the following:

22 (a) The brand name of the drug, if applicable.

23 (b) The name of the manufacturer or the supplier of the drug,
24 if the drug does not have a brand name.

25 (c) The strength of the drug, if significant.

26 (d) The quantity dispensed, if applicable.

27 (e) The name and address of the pharmacy.

28 (f) The serial number of the prescription, a reference to the
29 standing order issued under section 17744e, or, if the prescription

1 drug is dispensed pursuant to section ~~17724a or 17744f~~, a reference
2 to ~~the applicable~~ **that** section.

3 (g) The date the prescription was originally dispensed, if
4 applicable.

5 (h) The name of the prescriber or, if prescribed under the
6 prescriber's delegatory authority, the name of the delegatee. If
7 the prescription drug is dispensed pursuant to section 17744f, the
8 name of the original prescriber and the pharmacist dispensing the
9 prescription drug. If the prescription drug is dispensed pursuant
10 to ~~section 17724a~~, **a prescription issued by a pharmacist under**
11 **section 17744a, 17744g, or 17744h**, the name of the pharmacist
12 ~~dispensing the prescription drug. If the prescription was issued~~
13 ~~under section 17744g, the name of the pharmacist issuing the~~
14 prescription.

15 (i) Except as otherwise authorized under section 5110, 17744a,
16 17744b, or 17744e, the name of the patient for whom the drug was
17 prescribed or dispensed.

18 (j) The price for which the drug was sold to the purchaser.

19 (7) The items required under subsection (6) (a), (b), and (c)
20 may be omitted from a receipt by a pharmacist only if the omission
21 is expressly required by the prescriber. The pharmacist shall
22 retain a copy of each receipt furnished under subsection (6) for 90
23 days. Including the items required under subsection (6) on the
24 prescription container label is a valid receipt to the purchaser.
25 Including the items required under subsection (6) on the written
26 prescription form and retaining the form constitutes retention of a
27 copy of the receipt.

28 (8) The department, in consultation with the board, may
29 promulgate rules to implement this section.

1 Sec. 17763. In addition to the grounds set forth in part 161,
2 the disciplinary subcommittee may fine, reprimand, or place a
3 pharmacist licensee on probation, or deny, limit, suspend, or
4 revoke the license of a pharmacist or order restitution or
5 community service for a violation or abetting in a violation of
6 this part or rules promulgated under this part, or for 1 or more of
7 the following grounds:

8 (a) Permitting the dispensing of prescriptions by an
9 individual who is not a pharmacist, pharmacist intern, or
10 dispensing prescriber.

11 (b) Permitting the dispensing of prescriptions by a pharmacist
12 intern, except in the presence and under the personal charge of a
13 pharmacist.

14 (c) Selling at auction drugs in bulk or in open packages
15 unless the sale has been approved in accordance with rules of the
16 board.

17 (d) Promoting a prescription drug to the public in any manner.

18 (e) In addition to the prohibition contained in section
19 7405(1)(e), dispensing a prescription for a controlled substance ~~as~~
20 ~~defined in section 7104~~ that is written and signed; written or
21 created in an electronic format, signed, and transmitted by
22 facsimile; or transmitted electronically or by other means of
23 communication by a physician prescriber, dentist prescriber, or
24 veterinarian prescriber in another state, unless the prescription
25 is issued by a physician prescriber, dentist prescriber, or
26 veterinarian prescriber who is authorized under the laws of that
27 state to practice dentistry, medicine, osteopathic medicine and
28 surgery, or veterinary medicine and to prescribe controlled
29 substances.

1 (f) Delegating the prescribing of a prescription drug or
2 device under section 17744a or 17744h.