

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 920

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 17713.

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 while a qualified order or
5 declaration is in effect:

6 (a) **Through March 31, 2021, a** pharmacist may dispense an
7 emergency refill of up to a 60-day supply of a prescription drug
8 other than a controlled substance for a resident of this state if,
9 in the pharmacist's professional judgment, a failure to refill the

1 prescription might interrupt the patient's ongoing care and have a
2 significant adverse effect on the patient's well-being. All of the
3 following apply for purposes of this subdivision:

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

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

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

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

17 (b) A pharmacist may temporarily operate a pharmacy in a
18 location that is not designated on a pharmacy license. However, the
19 pharmacy described in this subdivision may not prepare a sterile
20 drug product beyond a low-risk preparation, as defined by USP
21 standards, for immediate inpatient administration.

22 (c) A pharmacist may dispense and administer a drug as needed
23 to treat an individual with COVID-19 pursuant to protocols
24 established by the federal Centers for Disease Control and
25 Prevention or the National Institute of Health, or as determined by
26 the chief medical executive in the office of chief medical
27 executive created within the department of health and human
28 services or the chief medical executive's designee.

29 (d) A pharmacist may substitute a therapeutically equivalent

1 drug for a drug that is the subject of a critical shortage. A
2 pharmacist substituting a drug under this subdivision shall inform
3 the patient of the substitution and notify the prescriber of the
4 substitution within a reasonable period of time. A prescriber is
5 not subject to criminal prosecution, civil liability, or
6 administrative sanction as a result of a pharmacist's substitution
7 under this subdivision.

8 (e) A preceptor may supervise a student pharmacist remotely to
9 fulfill eligibility requirements for licensure and to avoid a delay
10 in graduation.

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

20 (g) An out-of-state pharmacy that is in good standing is
21 considered licensed to do business in this state. An out-of-state
22 pharmacy shall not deliver a controlled substance into this state,
23 except that, notwithstanding article 7 or any rule promulgated
24 under that article, an out-of-state pharmacy may deliver a
25 controlled substance that is compounded for a drug shortage, as
26 determined by the FDA. An out-of-state pharmacy shall comply with
27 this part and the rules promulgated by this part, except that an
28 out-of-state pharmacy is not required to designate a pharmacist in
29 charge for the out-of-state pharmacy. To provide sterile

1 compounding services to a patient in this state, an out-of-state
2 pharmacy shall hold a current accreditation from a national
3 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 (i) A pharmacy may confirm the delivery of a prescription
19 drug, excluding a controlled substance, to a patient by any
20 reasonable means, including, but not limited to, a telephone call,
21 a text message, or electronic mail.

22 (2) As used in this section:

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

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

28 (c) "Qualified epidemic" means an epidemic involving a
29 respiratory disease that can easily spread between individuals and

1 may result in serious illness or death.

2 (d) "Qualified order or declaration" means 1 of the following
3 issued in response to a qualified epidemic:

4 (i) An emergency order under section 2253.

5 (ii) A state of disaster or state of emergency declared under
6 the emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. 879 of the 100th Legislature is enacted into
9 law.