

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 promogulated  
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.