

Michigan Register

Issue No. 1 – 2022 (Published February 1, 2022)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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(This issue, published February 1, 2022, contains
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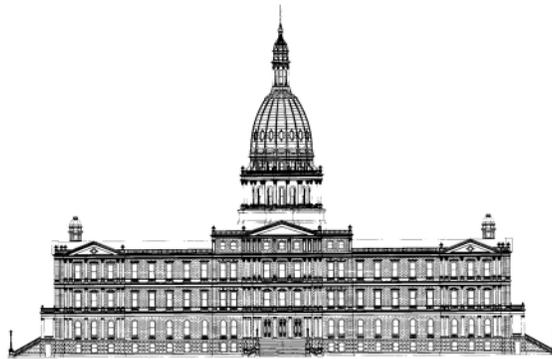
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Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Michigan Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2022 MR 1 refers to the year of issue (2022) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Michigan Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Michigan Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Michigan Office of Administrative Hearings and Rules, Ottawa Building –Second Floor, 611 W. Ottawa Street, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the website of the Michigan Office of Administrative Hearings and Rules – Administrative Rules Division: www.michigan.gov/ard.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules website. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Executive Director,
Michigan Office of Administrative Hearings and Rules

2022 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2022	February 1, 2022
2	February 1, 2022	February 15, 2022
3	February 15, 2022	March 1, 2022
4	March 1, 2022	March 15, 2022
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**ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF PHARMACY

PHARMACY – CONTROLLED SUBSTANCES

Filed with the secretary of state on January 6, 2022

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board of pharmacy by sections 7106, 7109, 7203, 7216, 7301, 7303, 7303a, 7321, 7333, 7333a, and 17754 of the public health code, 1978 PA 368, MCL 333.7106, 333.7109, 333.7203, 333.7216, 333.7301, 333.7303, 333.7303a, 333.7321, 333.7333, 333.7333a, and 333.17754, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.3101, R 338.3102, R 338.3104, R 338.3108, R 338.3111, R 338.3132, R 338.3135, R 338.3137, R 338.3141, R 338.3143, R 338.3145, R 338.3151, R 338.3153, R 338.3153a, R 338.3154, R 338.3161, R 338.3161a, R 338.3162, R 338.3162a, R 338.3162b, R 338.3162c, R 338.3162d, R 338.3163, R 338.3164, R 338.3165, R 338.3166, R 338.3167, R 338.3168, R 338.3170, R 338.3181, R 338.3183, R 338.3185 and R 338.3186 of the Michigan Administrative Code are amended, R 338.3109, R 338.3112, R 338.3113, R 338.3113a, R 338.3114, R 338.3114a, R 338.3116, R 338.3117, R 338.3118, R 338.3119, R 338.3119a, R 338.3119b, R 338.3120, R 338.3121, R 338.3121a, R 338.3122, R 338.3123, R 338.3125, R 338.3126, R 338.3127, R 338.3129, R 338.3136, R 338.3152, R 338.3162e, and R 338.3182 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.3101 Definitions; A to H.

Rule 1. As used in these rules:

(a) "Automated device" means a mechanical system that performs an operation or activity, other than compounding or administration, relating to the storage, packaging, dispensing, or delivery of a drug and that collects, controls, and maintains transaction information.

(b) "Board" means the board of pharmacy.

(c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(d) "Department" means the department of licensing and regulatory affairs (LARA).

(e) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record. An electronic signature also is a unique identifier protected by appropriate security measures such that it is

only available for use by the intended individual and ensures nonrepudiation so that the signature may not be rejected based on its validity.

R 338.3102 Definitions; I to P.

Rule 2. As used in these rules:

(a) "Inventory" means all stocks in finished form of a controlled substance that are manufactured or otherwise acquired by a licensee, whether in bulk or commercial containers or contained in pharmaceutical preparations in the possession of the licensee.

(b) "Licensee" means a person who is licensed pursuant to section 7303 of the code, MCL 333.7303.

(c) "Michigan automated prescription system (MAPS) claim form" means a form, to be determined by the department, that is in the format and includes the information as specified by the American Society for Automation in Pharmacy (ASAP) 4.1 Standard for Prescription Drug Monitoring Programs and contains the information specified in R 338.3162b.

(d) "National drug code number (NDC)" means a number that identifies the labeler, vendor, product, and package size and is assigned to each drug product listed under section 510 Registration of Producers of Drugs and Devices, of the Federal Food, Drug, and Cosmetic Act (FDCA) of 2017, 21 USC 360.

(e) "Officer" means a federal, state, county, or local law enforcement officer who enforces the laws of this state.

(f) "Patient identifier" means all of the following information about a patient:

(i) Full name.

(ii) Address, including zip code.

(iii) Date of birth.

(iv) Any 1 of the following identification numbers:

(A) A state-issued driver's license number obtained from a state-issued driver's license.

(B) A state-issued identification number obtained from a state-issued photo identification card.

(C) A federal passport number obtained from a federal passport.

(D) The number zero. Zeroes must be entered as the identification number, if the positive identification presented for the patient or client does not include a license number, identification number, or passport number as listed in subparagraphs (A) to (C) of this paragraph, the patient is under the age of 16, or the animal's owner cannot be identified.

(g) "Positive identification" means identification that includes a photograph of an individual in addition to his or her date of birth. Positive identification includes an identification card issued by a governmental agency, if the identification card meets the requirements of this rule.

(h) "Medical institution" means the term as defined in R 338.486.

(i) "Pharmacy services" means the direct and indirect patient care services associated with the practice of pharmacy, as defined in section 17707 of the code, MCL 333.17707.

R 338.3104 Definitions; R, S.

Rule 4. As used in these rules:

(a) "Readily retrievable" means a record which is kept so that it can be separated from all other records within 48 hours and in which a listed controlled substance is marked with an asterisk, redlined, or in some other manner visually identifiable apart from the other substances listed in the record.

(b) "Substance" means a controlled substance unless the context indicates otherwise.

R 338.3108 Terms defined in code.

Rule 8. Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

R 338.3109 Rescinded.

PART 2. SCHEDULES

R 338.3111 Schedules; federal controlled substance schedules adopt by reference; exceptions.

Rule 11. (1) The board approves and adopts by reference the complete list of drugs and other substances that are considered controlled substances under the Controlled Substance Act (CSA) of 1970, 21 USC 801, that have been divided into 5 schedules as published in 21 CFR 1308.11 to 1308.15, except for those drugs or other substances specifically excepted by this state's laws enacted after the effective date of these rules or as listed in subrule (3) of this rule.

(2) The standards adopted by reference in subrule (1) of this rule are available at no cost at <https://www.deadiversion.usdoj.gov/21cfr/cfr/2108cfrt.htm>, or at 10 cents per page from the Board of Pharmacy, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(3) The following drugs and other substances are scheduled as follows:

(a) Marijuana including pharmaceutical-grade cannabis, as those terms are defined in parts 71 and 81 of the code, MCL 333.7101 to 333.7125 and MCL 333.8101 to 333.8119, is a schedule 2 controlled substance if it is manufactured, obtained, stored, dispensed, possessed, grown, or disposed of in compliance with the code and as allowed by federal authority but only for the purpose of treating a debilitating medical condition as that term is defined in section 3(b) of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26423, and as allowed under the code.

(b) Tianeptine sodium by whatever official, common, usual, chemical, or brand name designated is a schedule 2 controlled substance.

(c) Gabapentin by whatever official, common, usual, chemical, or brand name designated is a schedule 5 controlled substance.

(d) Loperamide is not a scheduled controlled substance in this state.

(e) Pentazocine is a schedule 4 controlled substance.

(f) Brorphine is a schedule 1 controlled substance.

(g) Except in subdivision (h) of this subrule, ephedrine, a salt of ephedrine, an optical isomer of ephedrine, a salt of an optical isomer of ephedrine, or a compound, mixture, or preparation containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine is included in schedule 5.

(h) A product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine is not included in schedule 5 if the drug product meets all of the following criteria:

(i) May lawfully be sold over the counter without a prescription under federal law.

(ii) Is labeled and marketed in a manner consistent with the pertinent over-the-counter tentative final or final monograph.

(iii) Is manufactured and distributed for legitimate medical use in a manner that reduces or eliminates the likelihood for abuse.

(iv) Is not marketed, advertised, or labeled for an indication of stimulation, mental alertness, energy, weight loss, appetite control, or muscle enhancement.

(v) The drug product is 1 of the following:

(A) A solid dosage form, including, but not limited to, a soft gelatin caplet that combines as active ingredients not less than 400 milligrams of guaifenesin and not more than 25 milligrams of ephedrine per dose and is packaged in blister packs with not more than 2 tablets or caplets per blister.

(B) An anorectal preparation containing not more than 5% ephedrine.

(C) A food product or a dietary supplement containing ephedrine, if the food product or dietary supplement meets all of the following criteria:

(I) Contains, per dosage unit or serving, not more than the lesser of 25 milligrams of ephedrine alkaloids or the maximum amount of ephedrine alkaloids in applicable regulations adopted by the Federal Food and Drug Administration (FDA) and contains no other controlled substance.

(II) Does not contain hydrochloride or sulfate salts of ephedrine alkaloids.

(III) Is packaged with a prominent label securely affixed to each package that includes all of the following:

(1) The amount in milligrams of ephedrine in a serving or dosage unit.

(2) The amount of the food product or dietary supplement that constitutes a serving or dosage unit.

(3) That the maximum recommended dosage of ephedrine for a healthy adult human is the lesser of 100 milligrams in a 24-hour period or the maximum recommended dosage or period of use in applicable regulations adopted by the FDA.

(4) That improper use of the product may be hazardous to an individual's health.

R 338.3112 Rescinded.

R 338.3113 Rescinded.

R 338.3113a Rescinded.

R 338.3114 Rescinded.

R 338.3114a Rescinded.

R 338.3116 Rescinded.

R 338.3117 Rescinded.

R 338.3118 Rescinded.

R 338.3119 Rescinded.

R 338.3119a Rescinded.

R 338.3119b Rescinded.

R 338.3120 Rescinded.

R 338.3121 Rescinded.

R 338.3121a Rescinded.

R 338.3122 Rescinded.

R 338.3123 Rescinded.

R 338.3125 Rescinded.

R 338.3126 Rescinded.

R 338.3127 Rescinded.

R 338.3129 Rescinded.

PART 3. LICENSES

R 338.3132 Controlled substance license.

Rule 32. (1) A person who manufactures, distributes, prescribes, or dispenses a controlled substance in this state or who proposes to engage in the manufacture, distribution, prescribing, or dispensing of a controlled substance in this state shall apply for a controlled substance license by submitting to the department a completed application on a form provided by the department along with the requisite fee.

(2) In addition to meeting the requirements of section 7303 of the code, MCL 333.7303, an applicant's license shall be verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a controlled substance license. This includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(3) Except as otherwise provided in subrules (8) and (9) of this rule, a separate controlled substance license is required in each of the following circumstances:

(a) For each principal place of business or professional practice where the applicant stores, manufactures, distributes, prescribes, or dispenses controlled substances.

(b) Manufacturing and distributing a controlled substance in schedules 2-5. An individual, partnership, cooperative, association, private corporation, other legal entity, or governmental entity that is licensed in this state to manufacture a controlled substance listed in schedules 2 to 5 may also conduct chemical analysis and research with a substance that is listed in the schedules under the same controlled substance license.

(c) Dispensing a controlled substance listed in schedules 2 to 5. A prescriber or practitioner who is licensed in this state to prescribe or dispense controlled substances listed in schedules 2 to 5 may also prescribe, dispense, administer, and conduct research with those substances under the same controlled substance license.

(d) Conducting research and instructional activity with a controlled substance listed in schedule 1. An individual, partnership, cooperative, association, private corporation, other legal entity, or governmental entity that is licensed in this state to conduct research with controlled substances listed in schedule 1 may do both of the following:

(i) Manufacture the specific substances as set forth in the research protocol that is filed and approved by the FDA and the DEA pursuant to the provisions of 21 CFR 1301.18 and submitted to the department with the application for licensure.

(ii) Distribute the specific substances to others who are licensed by this state to conduct research or chemical analysis with the schedule 1 substances.

(e) Conducting research with a controlled substance listed in schedules 2 to 5. An individual, partnership, cooperative, association, private corporation, other legal entity, or governmental entity who is licensed in this state to conduct research with the controlled substances listed in schedules 2 to 5 may also participate in all of the following activities:

(i) Conduct chemical analysis with the specific substances listed in those schedules.

(ii) Manufacture the specific substances if, and to the extent that, the manufacture of the specific controlled substances is set forth in a statement filed with the application for licensure.

(iii) Distribute the specific substances to others who are licensed in this state to conduct research, chemical analysis, or instructional activity with the substances.

(iv) Conduct instructional activities with the specific substances.

(f) Conducting instructional activities with a specific controlled substance listed in schedules 2 to 5.

(g) Conducting chemical analysis with a controlled substance listed in any schedule. An individual, partnership, cooperative, association, private corporation, other legal entity, or governmental entity that is licensed in this state to conduct chemical analysis with all controlled substances may manufacture the substances for analytical or instructional purposes, distribute the substances to others who are licensed to conduct chemical analysis, instructional activity or research with the substances, and conduct instructional activities with the substances.

(h) A pharmacy stocking patient medication in an automated device located at an affiliated hospital location pursuant to section 17760 of the code, MCL 333.17760, or a hospital, county medical care facility, nursing home, hospice, or other skilled nursing facility as defined in section 20109 of the code, MCL 333.20109. The pharmacy responsible for the device shall obtain an additional controlled substance license for each location. If substances are stored at a health facility without an onsite pharmacy or an automated device stocked by a pharmacy, a designated prescriber shall obtain a controlled substance license.

(4) An applicant shall obtain a separate controlled substance license for each practitioner license issued under article 15 of the code, MCL 333.16101 to 333.18838. The controlled substance license must be renewed when the article 15 license is renewed and the controlled substance license is renewed for an equal number of years as the article 15 license.

- (5) An applicant who intends to conduct research involving controlled substances shall submit all of the following with his or her application required under subrule (1) of this rule:
- (a) The applicant's credentials to conduct the proposed research.
 - (b) The protocol and description of the nature of the proposed research that is filed and approved by the FDA and the Federal Drug Enforcement Administration (DEA) pursuant to the provisions of 21 CFR 1301.18.
 - (c) A list of the controlled substances and doses to be used.
- (6) An applicant who intends to conduct instructional activity involving controlled substances shall submit all of the following information with his or her application required under subrule (1) of this rule:
- (a) The applicant's credentials to conduct the proposed instructional activity.
 - (b) A course outline for the proposed instructional activity.
 - (c) A list of the controlled substances and doses to be used.
- (7) An applicant who intends to conduct chemical analysis involving controlled substances shall submit all of the following information with his or her application required under subrule (1) of this rule:
- (a) The applicant's credentials to conduct the proposed chemical analysis.
 - (b) The protocol and description of the nature of the chemical analysis that is filed and approved by the FDA and the DEA pursuant to the provisions of 21 CFR 1301.18.
 - (c) A list of the controlled substances and doses to be used.
- (8) A prescriber or practitioner who is licensed in this state to prescribe, administer, or dispense controlled substances at a principal place of business or professional practice consisting of multiple locations is not required to obtain a separate controlled substance license for each additional physical location of the business or professional practice if the prescriber or practitioner only prescribes controlled substances at each additional physical location of the business or professional practice.
- (9) A pharmacist shall maintain 1 controlled substance license in this state to dispense from any licensed pharmacy in this state.

R 338.3135 Opioids and other controlled substances awareness training standards for prescribers and dispensers of controlled substances; requirements.

Rule 35. (1) An individual who is applying for a controlled substance license or who is licensed to prescribe or dispense controlled substances pursuant to section 7303 of the code, MCL 333.7303, shall complete a 1-time training in opioids and controlled substances awareness that meets the following standards:

- (a) Training content must cover all of the following topics:
 - (i) Use of opioids and other controlled substances.
 - (ii) Integration of treatments.
 - (iii) Alternative treatments for pain management.
 - (iv) Counseling on the effects and risks associated with using opioids and other controlled substances.
 - (v) The stigma of addiction.
 - (vi) Utilizing the MAPS.
 - (vii) State and federal laws regarding prescribing and dispensing controlled substances.
 - (viii) Security features for opioids and other controlled substances and prescriptions, and proper disposal requirements for opioids and other controlled substances.
- (b) Topics covered under subrule (1)(a) of this rule may be obtained from more than 1 program.
- (c) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training offered by a continuing education program or activity that is accepted by a licensing board established under article 15 of the code, MCL 333.16101 to 333.18838.

(iv) Training obtained in an educational program that has been approved by a board established under article 15 of the code, MCL 333.16101 to 333.18838, for initial licensure or registration, or by a college or university.

(d) Acceptable modalities of training include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) A prescriber or dispenser shall ~~not~~ delegate, allow by a practice agreement, or order the prescribing, or dispensing of a controlled substance as allowed by the code to an individual, other than a physician's assistant, only after the individual has complied with subrules (1) and (5) of this rule. A physician's assistant is subject to subrules (1), (3), and (4) of this rule.

(3) The department may select and audit licensees and request documentation of proof of completion of training. A licensee shall maintain proof of completion of training for 3 renewal periods plus 1 additional year. If audited, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) A completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-attestation by the individual that includes the date, provider name, name of training, and individual's name.

(4) An individual who has been issued a controlled substance license pursuant to section 7303 of the code, MCL 333.7303, shall complete the controlled substance training required by subrule (1) of this rule as follows:

(a) A licensee who is renewing his or her controlled substance license shall complete the controlled substance training by the end of the first renewal cycle that begins after January 4, 2019.

(b) Other than a license renewal under subdivision (a) of this subrule, beginning September 1, 2019, the department shall not issue a controlled substance license until an applicant provides proof of having completed the controlled substance training.

(5) Beginning December 31, 2021, an individual, other than a physician's assistant, who is a delegatee, or allowed by a practice agreement or an order to prescribe or dispense a controlled substance by a prescriber or dispenser as allowed by the code, shall complete the controlled substance training required by subrule (1) of this rule.

(6) An individual who is licensed under section 7303 of the code, MCL 333.7303, to prescribe or dispense controlled substances only for research on animals is exempt from this rule.

R 338.3136 Rescinded.

R 338.3137 Eliminate drug treatment program prescriber license requirement.

Rule 37. The drug treatment program prescriber license is eliminated.

PART 4. SECURITY

R 338.3141 Thefts and diversions.

Rule 41. (1) An applicant or licensee shall provide effective controls against theft and diversion of controlled substances.

(2) A licensee shall confirm that a person is licensed to possess a controlled substance before distributing the substance to the person.

(3) Within 15 days of completion of an investigation regarding a suspected theft or significant loss of a controlled substance, a licensee shall notify the department of the suspected theft or significant loss of a controlled substance and submit a copy of the DEA theft and loss report form 106, or equivalent document, to the department, whether or not the controlled substance is recovered or the responsible person is identified and action is taken against him or her, and whether or not it is also reported to the DEA.

(4) A licensee shall use all of the following criteria to determine if the loss in subrule (3) of this rule is significant:

(a) The quantity of the controlled substance lost in relation to the type of business.

(b) The specific controlled substance lost.

(c) Whether the loss of the controlled substance can be associated with access to the controlled substance by specific individuals, or whether the loss can be attributed to unique activities that may take place involving the controlled substance.

(d) A pattern of loss over a specific time period, whether the loss appears to be random, and the results of efforts taken to resolve the loss.

(e) Whether the specific controlled substance is a likely candidate for diversion.

(f) Local trends and other indicators of the diversion potential of the missing controlled substance.

R 338.3143 Storage of controlled substances.

Rule 43. (1) A licensee shall store controlled substances that are listed in schedule 1 in a securely locked, substantially constructed cabinet that is anchored to a wall or the floor.

(2) A licensee shall store controlled substances that are listed in schedules 2, 3, 4, and 5 in a securely locked, substantially constructed cabinet, room, or cart. However, in a pharmacy, the controlled substances may be dispersed throughout the stock of noncontrolled substances in a manner to obstruct the theft or diversion of controlled substances.

R 338.3145 Employees; disqualification.

Rule 45. (1) An individual, partnership, cooperative, association, private corporation, other legal entity, or governmental entity who is licensed by the department pursuant to section 7303 of the code, MCL 333.7303 or section 17748 of the code, MCL 333.17748, shall not employ or utilize, with or without compensation, or allow the following individuals access to controlled substances:

(a) An individual who the licensee knows, or should reasonably know, to be a substance abuser as defined in section 16106a of the code, MCL 333.16106a. This subdivision does not apply to a licensee enrolled in the health professional recovery program under a current monitoring agreement.

(b) An individual whose controlled substance license is suspended, revoked, or denied.

(c) An individual whose license issued by this state or another state is under suspension or revoked for a violation that involves controlled substances.

(d) An individual who has been convicted of a crime that involves controlled substances and who is currently under sentence for that conviction.

(2) A licensee shall not delegate, pursuant to section 16215 of the code, MCL 333.16215, to a licensed or unlicensed individual unless the delegation complies with this rule.

PART 5. RECORDS

R 338.3151 Inventories.

Rule 51. (1) An individual, partnership, cooperative, association, private corporation, other legal entity, or governmental entity licensed to manufacture, distribute, prescribe, or dispense controlled substances shall annually perform and maintain a complete and accurate inventory of all stocks of controlled substances in the possession and control of the licensee.

(2) The inventory must contain a complete and accurate record of all controlled substances in the possession or control of the licensee on the date the inventory is taken as follows:

(a) If the substance is listed in schedule 1 or 2, then the licensee shall make an exact count or measure of the contents.

(b) If the substance is listed in schedule 3, 4, or 5, then the licensee shall make an estimated count or measure of the contents, but if the container holds more than 1,000 dosage units, then the licensee shall make an accurate account of the contents.

(3) A licensee shall make a separate inventory for each licensed location on the date that he or she first engages in the activity covered by his or her license, including a change of a pharmacist in charge. The beginning inventory record for a licensed location shall be kept at the licensed location and a copy shall be forwarded to the department upon request.

(4) A licensee shall indicate on the inventory record whether the inventory was taken at the opening or closing of the day that the inventory is taken.

(5) A licensee shall maintain the inventory in a written, typewritten, or printed form at the licensed location. The inventory taken by use of an oral recording device must be promptly transcribed.

(6) A licensee shall sign and date the inventory record.

(7) A licensee's printed name, address, and DEA number shall be recorded on the inventory.

(8) Schedule 2 drugs must be separated on the inventory from all other drugs.

(9) A licensee that is open for 24 hours shall indicate the time that the inventory was taken.

(10) On the effective date of the addition of a controlled substance to a schedule, which substance was not previously listed in any schedule, a licensee who possesses the substance shall take an inventory of all stocks of the substance on hand and incorporate it in the current inventory. Thereafter, the substance shall be included in each inventory taken.

R 338.3152 Rescinded.

R 338.3153 Invoices, acquisition, dispensing, administration, and distribution records.

Rule 53. For 2 years, a licensee shall maintain in the pharmacy responsible for the automated device, for review by the department, an agency, or the board, all records for controlled substances, including invoices, acquisition records, and sales receipts, as follows:

(a) A licensee may keep acquisition records, except for executed or voided DEA 222 order forms, in an electronic form at a central location with notice to the department.

(b) A licensee shall maintain invoices and other acquisition records of all controlled substances listed in schedules 1 and 2 in a separate file from invoices and other acquisition records of controlled substances listed in schedules 3, 4, and 5. The information must be readily retrievable from the ordinary acquisition records maintained by the dispenser.

(c) A licensee shall retain sales receipts for 90 days in electronic or paper form.

(d) A licensee shall initial or electronically initial the invoice and indicate the date that the controlled substances are received.

(e) A licensee shall keep a record, which may be electronic, of all controlled substances dispensed by him or her.

(f) A licensee that prescribes controlled substances shall keep a record separate from the patient chart which contains all of the following information for controlled substances dispensed or administered by the prescriber:

(i) Name of the patient.

(ii) Name and strength of the controlled substance.

(iii) Quantity of the controlled substance.

(iv) Date the controlled substance was dispensed or administered.

(v) Name of the individual who dispensed or administered the controlled substance.

(g) Except in medical institutions, a licensee shall sequentially number and maintain in chronological order the patients' original prescriptions as follows:

(i) A licensee shall maintain a separate file for dispensed substances listed in schedule 2.

(ii) A licensee shall maintain a separate file for dispensed substances listed in schedules 3, 4, and 5.

(h) The licensee shall keep the original prescription record on site for 5 years from the last date of dispensing. However, after 2 years from the last date of dispensing, if an electronic duplicate is made of the original paper prescription, which becomes the original prescription, the original prescription may be destroyed.

(i) A licensee shall maintain records of controlled substances distributed to another licensee, which shall include all of the following information and be maintained in the appropriate file described in subdivision (b) of this rule or in a separate record that is available for inspection:

(i) Name, address, and DEA number of receiver.

(ii) Name, address, and DEA number of supplier.

(iii) Name and quantity of the controlled substances distributed.

(iv) Date the controlled substances were distributed.

(j) A DEA 222 order form must be used for schedule 2 drugs.

(k) Except for controlled substance prescriptions pursuant to subdivision (h) of this rule, a licensee shall maintain controlled substances records for 2 years.

R 338.3153a Medication orders for patients in medical institutions.

Rule 53a. (1) A licensee shall include all of the following information in a prescription for controlled substance medications to be dispensed for administration to an inpatient in a medical institution:

(a) The patient's name.

(b) The prescriber's name, address, and DEA number. In place of including the address and DEA number on each medication order, the pharmacy may maintain a separate list of prescribers. The list must contain the prescriber's name, address, and DEA number.

(c) The prescriber's signature.

(d) The name, dose, and frequency of administration of the medication.

(e) The date of the medication order.

(2) If alternative therapy has been evaluated and the immediate administration of a controlled substance, including a schedule 2 medication, is necessary for the proper treatment of a patient, then a pharmacist may dispense the controlled substance for administration to the inpatient if all of the following conditions are satisfied:

(a) The oral order of the prescriber is committed to a written or electronic order in the patient chart by a nurse licensed under part 172 of the code, MCL 333.17201 to 333.17242, a physician's assistant licensed under part 170 of the code, MCL 333.17001 to 333.17097, or part 175 of the code, MCL 333.17501 to 333.17556, or a pharmacist licensed under part 177 of the code, MCL 333.17701 to 333.17780, who has communicated directly with the prescriber.

(b) The order states the name of the prescriber and the name of the nurse, physician's assistant, or pharmacist who received the verbal order.

(c) The order is forwarded to the pharmacy.

(d) The prescriber signs the original order at the next visit or within 7 days.

(3) A licensee shall preserve an original order for a period of 5 years from the patient discharge date and the original order must be readily retrievable. After 2 years, a licensee may make an electronic duplicate of the original order which becomes the original order. If a licensee maintains patient records electronically, then a printed copy must be immediately available for a current inpatient and within 48 hours upon request of an authorized agent of the board for any patient of the previous 5 years.

R 338.3154 Medication records in medical institutions.

Rule 54. (1) A patient's chart shall constitute a record of medications ordered for, and actually administered to, a patient of medical institutions.

(2) Medication records are required for all controlled substances listed in schedules 2, 3, 4, and 5. At a minimum, these records must include all of the following information:

(a) The number of doses of controlled substances purchased.

(b) The number of doses dispensed to individual patients or distributed to nursing stations or both.

(c) The number of doses administered.

(d) The number of doses dispensed, but not administered, to the patient.

(3) If the controlled substance is not dispensed to an individual patient, all of the following provisions must be complied with:

(a) Medication records for those controlled substances in schedules 2, 3, 4, and 5 must be maintained.

(b) Distribution of a controlled substance to a nursing unit may not be more than 25 doses per container.

(c) A distribution record for each multiple of 25 doses must be used to account for delivery to a nursing unit. The record must include all of the following information:

(i) The name and dose of the controlled substance.

(ii) The quantity of the substance.

(iii) The date of delivery.

(iv) The location of the nursing unit.

(v) The name of the distributing pharmacy and address if a different location from the medical institution.

(vi) Name of distributing pharmacist.

(vii) The name of the individual on the nursing unit who receives the substance.

(d) A proof of use record must be maintained to account for all doses of an administered substance.

The record must include all of the following:

(i) The name of the substance.

(ii) The dose administered.

(iii) The date and time a dose was administered.

(iv) The name of the patient.

(v) The signature of the individual who administered the dose.

(e) Subrule 3 of this rule does not apply to automated devices.

(4) A controlled substance that is maintained at a nursing unit must be stored in a securely locked cabinet or medication cart that is accessible only to an individual who is responsible for the administration or distribution of the medication.

(5) If a controlled substance is dispensed from an automated device, then documentation of all of the following must be maintained on-site in the pharmacy responsible for the automated device for 2 years for review by the department, an agency, or the board:

(a) The name and address of the pharmacy or facility responsible for the operation of the automated device.

(b) The manufacturer, serial number, and model number of the automated device.

(c) The location of the automated device.

(d) The contents of the automated device.

(e) The quality assurance policy and procedure to determine continued appropriate use and performance of the automated device that includes all of the following quality assurance documentation for the use and performance of the automated device:

(i) Use of monitors that alert the user when the wrong medication is filled or removed for administration to a patient.

(ii) Use of security monitors that include an alert for unauthorized access, patients not in the system, system security breaches, and controlled substance audits.

(iii) Corrective measures to address issues and errors identified in the internal quality assurance program.

(f) The policy and procedure for system operation that includes all of the following:

(i) Safety.

(ii) Security systems and procedures that include prevention of unauthorized access or use and comply with federal and state regulations.

(iii) Accuracy.

(iv) Patient confidentiality.

(v) Access.

(vi) Type of controlled substances.

(vii) Data retention or archival.

(viii) Definitions.

(ix) Downtime procedures.

(x) Emergency procedures.

(xi) Operator inspections.

(xii) Installation requirements.

(xiii) Maintenance.

(xiv) Medication security.

(xv) Medication inventory.

(xvi) Staff education and training.

(xvii) System set-up and malfunction.

(xviii) List of medications qualifying for emergency dose removal without pharmacist prior review of the prescription or medication order.

(xix) The use of the automated device that includes a requirement that a pharmacist review a prescription or medication order before system profiling or removal of any medication from the automated device for immediate patient administration, except in the following situations where a pharmacist shall review the orders and authorize any further dispensing within 48 hours:

(A) The automated device is being used as an after-hours cabinet for medication dispensing in the absence of a pharmacist under R 338.486(4)(j).

(B) The system is being used in place of an emergency kit under R 338.486(4)(c).

(C) The system is being accessed to remove medication required to treat the emergent needs of a patient under R 338.486(4)(c). A sufficient quantity to meet the emergent needs of the patient may be removed until a pharmacist is available to review the medication order.

(g) The automated device must maintain transaction data that includes all activity regarding access to the contents of the automated device.

(h) The pharmacy responsible for the automated device shall maintain records related to access to the automated device. The records must be readily retrievable and must include all of the following information:

(i) The unique identity of the device.

(ii) Identification of the individual accessing the automated device.

(iii) The type of transaction.

(iv) The name, strength, dosage form, and quantity of the drug accessed.

(v) The name of the patient.

(vi) The identification of the pharmacist checking for the accuracy of the medications to be stocked or restocked in the automated device.

(vii) Any other information the pharmacist considers necessary.

(i) For medication removed from the automated device for on-site patient administration, the automated device must document all of the following information:

(i) The name of the patient.

(ii) The date and time medication was removed from the automated device.

(iii) The name, initials, or other unique identifier of the individual removing the drug.

(iv) The name, strength, and dosage form of the drug. The documentation may be on paper or electronic medium.

(j) If the pharmacist delegates the stocking of the automated device, then technologies must be in place and utilized to ensure that the correct drugs are stocked in their appropriate assignment utilizing bar-coding or another a board-approved error prevention technology.

(k) The automated device must provide a mechanism for securing and accounting for controlled substances removed from the automated device return bin. Controlled substances may not be returned directly to the automated device for immediate reissue or reuse. Controlled substances removed from the automated device may not be reused or reissued, except as indicated in R 338.486(7).

(l) The automated device must provide a mechanism for securing and accounting for wasted or discarded medications.

(6) An individual who is responsible for administering a controlled substance or a portion thereof shall record the quantity, disposition and an explanation of the destruction of the controlled substance on the proper accountability record. If the institution has a policy that reflects current practice standards and delineates the method of destruction, an explanation would only be required if policy was not followed.

PART 6. DISPENSING AND ADMINISTERING CONTROLLED SUBSTANCE PRESCRIPTIONS

R 338.3161 Controlled substance prescriptions.

Rule 61. (1) A prescription that is issued for a controlled substance must be dated and signed by the prescriber, when issued, and contain all of the following information:

(a) The full name and address of the patient for whom the substance is being prescribed.

(b) The prescriber's DEA registration number, preprinted, stamped, typed, or manually printed name, address, telephone number or pager number, and professional designation.

(c) The drug name, strength, and dosage form.

(d) The quantity prescribed. For a paper prescription received in writing, the prescription must contain the quantity in both written and numerical terms. A paper prescription must contain preprinted numbers representative of the quantity next to a box or line that the prescriber may check.

(e) The directions for use.

(f) If the prescription is for an animal, then the species of the animal and the full name and address of the owner.

(2) A written prescription for a controlled substance in schedules 2 to 5 shall be written legibly with ink or an indelible pencil or prepared using a printer and signed by the prescriber.

(3) An agent of the prescriber may prepare a prescription for the signature of the prescriber, but, pursuant to the code, the prescriber is liable if the prescription does not conform to these rules. A pharmacist who dispenses a controlled substance pursuant to a prescription not prepared in the form required by these rules is liable pursuant to the code.

(4) If the controlled substance prescription or order in a medical institution is issued pursuant to delegation, then the printed name of the delegatee, the licensure designation, the delegating prescriber, and the signature of the delegatee shall be on the written prescription. In medical facilities, orders must contain the signatures of the delegatee and the printed name of the delegating prescriber.

(5) A prescriber shall not issue a prescription to obtain a stock of a controlled substance for the purpose of dispensing or administering the substance to patients.

R 338.3161a. Exception to bona fide prescriber-patient relationship; alternative requirements.

Rule 61a. (1) A bona fide prescriber-patient relationship is required before a licensed prescriber may prescribe a controlled substance listed in schedules 2 to 5.

(2) Pursuant to Section 16204e of the code, MCL 333.16204e, a licensed prescriber may prescribe a controlled substance listed in schedules 2 to 5 without first establishing the bona fide prescriber-patient relationship required under Section 7303a of the code, MCL 333.7303a, in the following situations:

(a) The prescriber is providing on-call coverage or cross-coverage for another prescriber who is not available and has established a bona fide prescriber-patient relationship with the patient for whom the on-call or covering prescriber is prescribing a controlled substance, the prescriber, or an individual licensed under article 15 of the code, MCL 333.16101 to 333.18838, reviews the patient's relevant medical or clinical records, medical history, and any change in medical condition, and provides documentation in the patient's medical record pursuant to medically accepted standards of care.

(b) The prescriber is following or modifying the orders of a prescriber who has established a bona fide prescriber-patient relationship with a hospital in-patient or nursing care facility resident and provides documentation in the patient's medical record pursuant to medically accepted standards of care.

(c) The prescriber is prescribing for a patient that has been admitted to a licensed nursing care facility, completes the tasks identified in subrule (2)(a) and (2)(b) of this rule in compliance with R 325.45377, as applicable, and provides documentation in the patient's medical record pursuant to medically accepted standards of care.

(d) The prescriber is prescribing for a patient for whom the tasks listed in subrule (2)(a) and (2)(b) of this rule have been performed by an individual licensed under article-15 of the code, MCL 333.16101 to 333.18838, and the prescriber provides documentation in the patient's medical record pursuant to medically accepted standards of care.

(e) The prescriber is treating a patient in a medical emergency. For purposes of this subdivision, "medical emergency" means a situation that, in the prescriber's good-faith professional judgment, creates an immediate threat of serious risk to the life or health of the patient for whom the controlled substance prescription is being prescribed.

R 338.3162 Dispensing by pharmacists; delivery of controlled substances.

Rule 62. (1) Except for a remote pharmacy, which is regulated by section 17742a of the code, MCL 333.17742a, and which allows a qualified pharmacy technician to assist in the dispensing process while being overseen by a pharmacist through the use of a surveillance system and telepharmacy system, a controlled substance shall be dispensed by a pharmacist or a pharmacy intern in the presence, and under the personal charge of a pharmacist.

(2) A pharmacist shall require positive identification of individuals to whom controlled substances are dispensed or delivered when the individual is not known to the pharmacist or pharmacy employees except when positive identification is not available and a pharmacist, who in exercising his or her professional judgment, determines that a delay in dispensing the controlled substance may be detrimental to a patient.

(3) Subrule (2) of this rule does not exempt a pharmacist from the requirement to submit a patient identifier to the electronic system for monitoring controlled substances.

(4) The dispensing pharmacist and pharmacy are both responsible for complying with this rule.

(5) A pharmacist may dispense a controlled substance that is listed in schedules 3 to 5 and that is a prescription drug pursuant to the provisions of the FDCA of 1991, 21 USC 353, only pursuant to a prescription on a prescription form, an oral prescription of a practitioner, or a prescription that is electronically transmitted pursuant to R 338.3162a and that contains all of the required information under R 338.3161, except that the signature of the prescriber is not required if the controlled substance is obtained pursuant to an oral order.

(6) In addition to the requirements in section 17744 of the code, MCL 333.17744, if a prescriber's agent under delegation transmits an oral prescription for a controlled substance to a pharmacy all of the following shall be recorded on the prescription generated at the pharmacy:

(a) The information required by R 338.3161.

(b) The transmitting agent's identity.

(c) The individual who received the prescription at the pharmacy.

(7) Only a prescription that is issued in the usual course of professional treatment or in the course of legitimate and authorized research is a prescription.

R 338.3162a Electronic transmission of prescription; waiver of electronic transmission.

Rule 62a. (1) Until the enforcement date established by the federal Centers for Medicare and Medicaid Services for the Medicare electronic transmission requirement, a prescription may be electronically transmitted, and a pharmacist may dispense the electronically transmitted prescription if all of the following conditions are satisfied:

(a) The prescription is transmitted to the pharmacy of the patient's choice and occurs only at the option of the patient.

(b) The electronically transmitted prescription includes all of the following information:

(i) The name and address of the prescriber.

(ii) An electronic signature or other board-approved means of ensuring prescription validity.

(iii) The prescriber's telephone number for verbal confirmation of the order.

(iv) The time and date of the electronic transmission.

(v) The name of the pharmacy intended to receive the electronic transmission.

(vi) Unless otherwise authorized under section 17754(1)(b) of the code, MCL 333.17754, the full name of the patient for whom the prescription is issued.

(vii) All other information that must be contained in a prescription under R 338.3161.

(c) The pharmacist exercises professional judgment regarding the accuracy, validity, and authenticity of the transmitted prescription.

(d) All requirements in section 17754 of the code, MCL 333.17754, are met.

(2) An electronically transmitted prescription that meets the requirements of subrule (1) of this rule is the original prescription.

(3) Effective the enforcement date established by the federal Centers for Medicare and Medicaid Services for the Medicare electronic transmission requirement, prescribers shall, unless an exception under section 17754a of the Code, MCL 333.17754a, applies, electronically transmit a prescription for a controlled substance consistent with both of the following requirements:

(a) All the requirements in section 17754a of the code, MCL 333.17754a, are met.

(b) All the requirements in R 338.3161 are met.

(4) A prescriber applying for a waiver from section 17754a of the code, MCL 333.17754a, shall submit a completed application to the department, on a form provided by the department, and satisfy either of the following requirements:

(a) The prescriber provides evidence satisfactory to the department that the prescriber has received a waiver of the Medicare requirement for the electronic transmission of controlled substances prescriptions from the federal Centers for Medicare and Medicaid Services.

(b) The prescriber is unable to meet the requirements of section 17754a(1) or (2) of the code, MCL 333.17754a, and the prescriber meets 1 of the following:

(i) The prescription is dispensed by a dispensing prescriber.

(ii) The prescriber demonstrates economic hardship or technological limitations that are not within the control of the prescriber.

(iii) The prescriber demonstrates by attesting to exceptional circumstances, including, but not limited to, the following:

(A) Prescribing fewer than 100 controlled substances prescriptions per year or the number of controlled substances prescriptions used in the Federal Centers for Medicare and Medicaid Services waiver for electronic transmission of prescriptions for controlled substances, whichever is more.

(B) Intention to cease practice within the next twelve months.

(C) Limited practice due to an illness or other unforeseen event.

(iv) The prescriber issues prescriptions from a non-profit charitable medical clinic.

(5) A waiver is valid for 2 years and is applicable to the specific circumstances included in the application. A waiver may be renewed by application to the department.

R 338.3162b Electronic system for monitoring schedules 2, 3, 4, and 5 controlled substances.

Rule 62b. (1) Except as otherwise exempt under section 7333a of the code, MCL 333.7333a, a pharmacist, dispensing prescriber, and veterinarian licensed under Part 177 of the code, MCL 333.17701 to 333.17780, who dispenses a prescription drug that is a controlled substance listed in schedules 2 to 5 or a pharmacy licensed by the state that dispenses in this state or dispenses to an address in this state a controlled substance listed in schedules 2 to 5 shall report to the department or the department's contractor by means of an electronic data transmittal process the following information for each prescription of a scheduled 2 to 5 controlled substance that has been dispensed:

(a) The patient identifier identification number. For purposes of this subdivision, all of the following apply:

(i) An identification number, as specified in R 338.3102(1)(f)(iv)(A) to (C), is not required for patients under the age of 16.

(ii) If the patient is under 16 years of age, zeroes must be entered as the identification number.

(iii) If the medication being dispensed is for an animal, the patient identification number applies to the animal's owner, the client, that meets the requirements of R 338.3102(1)(f)(iv). If the animal's owner cannot be identified, zeroes must be entered as the identification number.

(b) The patient's name; client's name, including first name, middle name, or middle initial, if available; and last name.

(c) The patient's or client's address, including street, city, state, and zip code.

(d) The patient's or client's phone number.

(e) The patient's or client's gender.

(f) The patient's or client's date of birth.

(g) The species code, as specified by ASAP.

(h) The metric quantity of the controlled substance dispensed.

(i) The NDC of the controlled substance dispensed.

(j) The date of issue of the prescription.

(k) The date of dispensing.

(l) The number of refills authorized.

(m) The refill number of the prescription fill.

(n) The estimated days of supply of the controlled substance dispensed.

(o) The prescription number assigned by the dispenser.

(p) The prescription transmission form code, as specified by ASAP, that indicates how the pharmacy received the prescription.

(q) The prescription payment type. Cash discount cards are considered cash transactions.

(r) The electronic prescription reference number, if applicable.

(s) The patient's or client's location code when receiving pharmacy services, as specified by ASAP.

(t) The DEA registration number of the prescriber and the dispensing pharmacy.

(2) A pharmacist, dispensing prescriber, or veterinarian may presume that the patient identification information provided by a patient, or a patient's representative, or veterinarian's client is correct.

(3) As used in this rule, R 338.3162c, and R 338.3162d, the term "dispense" or "dispensing" means the preparation, compounding, packaging, or labeling of a controlled substance along with delivery of the controlled substance pursuant to a prescription or other authorization issued by a prescriber, and does not include the acts of prescribing a controlled substance or administering a controlled substance directly to a patient.

(4) As used in this rule, the term "patient" refers to an individual, not an animal.

R 338.3162c Format for electronic transmission of data to electronic system for monitoring; waiver.

Rule 62c. (1) A pharmacist, dispensing prescriber, or veterinarian who dispenses a prescription drug that is a controlled substance listed in schedules 2 to 5 shall transmit the data, as specified under R 338.3162b by electronic media or other means as approved by the department or the department's contractor.

(2) The data must be transmitted in the format established by the ASAP 4.1 Standard for Prescription Drug Monitoring Programs.

(3) A pharmacist, dispensing prescriber, or veterinarian who dispenses controlled substances and who does not have an automated record-keeping system capable of producing an electronic report in the format established by subrule (2) of this rule may request a waiver from electronic reporting. The request shall be made in writing to the department.

(4) A pharmacist, dispensing prescriber, or veterinarian may be granted a waiver, if he or she demonstrates an inability to report as required by R 338.3162b and he or she agrees in writing to report the data to the department or the department's contractor by submitting a completed MAPS claim form

as defined in R 338.3102(1)(c) or transmitting data via an internet web portal that is provided by the department or the department's contractor for this purpose.

R 338.3162d Required reporting of prescription data; error reporting.

Rule 62d. (1) A pharmacist, pharmacy, dispensing prescriber, or veterinarian shall report all scheduled 2 to 5 controlled substances dispensed.

(2) The licensee shall forward the data required by R 338.3162b by on-line transmission, computer diskette, compact disk, or other approved medium, as specified in R 338.3162c to the department or the department's contractor, on a daily basis, by the end of the next business day and include the data for all controlled substances dispensed since the previous transmission or report.

(3) A pharmacist, pharmacy, dispensing prescriber, or veterinarian who does not have the capacity to forward the information as specified in R 338.3162b, shall mail or deliver the information to a location specified by the department or the department's contractor not later than 7 calendar days after the date that the controlled substance has been dispensed, and include the data for all controlled substances dispensed since the previous transmission or report.

(4) The department or the department's contractor shall notify a pharmacist, pharmacy, dispensing prescriber, or veterinarian of an error in data reporting. Upon receiving notification of an error in data reporting, a pharmacist, pharmacy, dispensing prescriber, or veterinarian shall take appropriate measures to correct the error and transmit the corrected data to the department or the department's contractor within 7 calendar days of being notified of the error.

(5) A pharmacist, pharmacy, dispensing prescriber, or veterinarian who fails to report the dispensing of a prescription for a controlled substance listed in schedules 2 to 5 as required, is subject to the penalty provisions in section 16221, 17741, or 17768 of the code, MCL 333.16221, 333.17741, or 333.17768, in article 15 of the code, MCL 333.16101 to 333.18838.

R 338.3162e Rescinded.

R 338.3163 Individual with substance use disorder; prescribing, dispensing, and administering controlled substance.

Rule 63. (1) A practitioner within his or her scope of practice, may either prescribe, dispense, or administer a controlled substance to an individual with substance use disorder for the purpose of maintenance or detoxification treatment pursuant to any of the following situations:

(a) A practitioner acting pursuant to federal law or regulations to conduct the drug treatment of an individual with substance use disorder may prescribe, dispense, and administer a controlled substance for the purpose of legitimate treatment of the individual with substance use disorder. A prescription may only be issued for a schedule 3 through 5 substance.

(b) A practitioner may administer or dispense a controlled substance approved by the FDA specifically for use in maintenance or detoxification treatment directly to an individual with substance use disorder who is participating in a program.

(c) A practitioner may administer a controlled substance approved by the FDA specifically for use in maintenance or detoxification treatment directly to an individual with substance use

disorder who is experiencing acute withdrawal symptoms and administration of a controlled substance is necessary while the practitioner is arranging referral for treatment. The following requirements must be followed:

(i) Not more than 1 day's supply of medication may be administered or directly dispensed to the individual with drug addiction or dependence.

(ii) The emergency treatment may be carried out for not more than 3 consecutive days and may not be renewed or extended.

(2) Notwithstanding subrule (1) of this rule, a practitioner within the scope of his or her practice, may administer or dispense a controlled substance in a hospital or similar setting to an individual with substance use disorder consistent with both of the following:

(a) The controlled substance is administered or dispensed to continue maintenance or detoxification treatment as an adjunct to medical or surgical treatment of conditions other than addiction.

(b) The controlled substance is administered or dispensed to relieve intractable pain for which no relief or cure is possible, or none has been found after reasonable efforts.

(3) As use in this rule:

(a) "Practitioner" means the term defined in section 7109 of the code, MCL 333.7109.

(b) "Program" means the term defined in section 260 of the mental health code, 1974 PA 258, MCL 330.1260.

(c) "Substance use disorder" means that term as defined in section 100d of the mental health code, 1974 PA 258, MCL 330.1100d.

R 338.3164 Emergency dispensing of schedule 2 substances; oral prescriptions.

Rule 64. A pharmacist may dispense a controlled substance listed in schedule 2 in an emergency in which all of the following conditions are met:

(a) The prescriber advises the pharmacist of all of the following:

(i) Immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user.

(ii) Appropriate alternative treatment is not available, including administration of a drug that is not a controlled substance under schedule 2.

(iii) It is not reasonably possible for the prescriber to provide a written prescription to be presented to the dispenser before the dispensing.

(iv) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period and pursuant to a written prescription.

(b) The pharmacist shall immediately put the prescription in writing, which contains the information that must be contained in a prescription under R 338.3161, except for the prescriber's signature.

(c) If the prescriber is not known to the pharmacist, then the pharmacist shall make a reasonable effort to determine that the oral authorization came from a prescriber by returning the prescriber's call, using the telephone number listed in the telephone directory, and other good faith efforts to ensure the prescriber's identity.

R 338.3165 Emergency dispensing of schedule 2 substances; written prescriptions.

Rule 65. (1) Within 7 days after authorizing an emergency oral prescription of a controlled substance listed in schedule 2, the prescriber shall comply with all of the following:

(a) The prescriber shall deliver to the dispensing pharmacist a written prescription or electronically transmit the prescription pursuant to R 338.3162a.

(b) The prescriber shall include on the prescription both "Authorization for Emergency Dispensing" and the date of the oral order.

(2) A pharmacist that has dispensed a prescription on an emergency oral prescription shall comply with all of the following:

(a) The dispensing pharmacist shall reduce the oral prescription to writing.

(b) Upon receipt of the prescription, the dispensing pharmacist shall attach the prescription to the oral order which was earlier reduced to writing.

(c) The pharmacy shall notify the department if the prescriber fails to deliver to him or her either a written prescription or a prescription transmitted electronically.

(3) The failure of the pharmacy to notify the department if the prescriber fails to deliver a prescription pursuant to subrule (1) of this rule voids the authority conferred by this rule.

R 338.3166 Partial dispensing of controlled substances.

Rule 66. (1) A pharmacist may partially dispense a controlled substance listed in schedule 2 in conformance with the following:

(a) The pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription.

(b) The pharmacist makes a notation of the quantity supplied on the face of the written prescription, written record of the emergency oral prescription, or in the electronic prescription record.

(c) The pharmacist may dispense the remainder of the prescription within 72 hours after the first partial dispensing.

(d) If the remainder of the prescription is not or cannot be dispensed within the 72 hours, the pharmacist shall notify the prescriber.

(e) The pharmacist shall not dispense any additional quantity beyond 72 hours without a new prescription.

(f) The pharmacy must have the balance of the prescription ready for dispensing before the 72-hour limit, but the patient is not required to pick up the balance of the prescription within that 72-hour limit.

(2) A pharmacist may partially dispense a prescription for a controlled substance in schedule 2 at the request of the patient or the prescribing practitioner in conformance with the following:

(a) The prescription is written and filled pursuant to the CSA and DEA regulations and state law.

(b) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed.

(c) The remaining portions of a partially filled prescription in schedule 2, if filled, shall be filled not later than 30 days after the date on which the prescription was written.

(d) For each partial filling, the dispensing pharmacist shall record, on the back of the prescription or on another appropriate record that is uniformly maintained and readily retrievable, all of the following information:

(i) Date of the partial filling.

(ii) Quantity dispensed.

(iii) Remaining quantity that may be dispensed.

(iv) Identification of the dispensing pharmacist.

(3) A pharmacist may partially dispense, including individual dosage units, a prescription for a schedule 2 controlled substance that is written for a patient in a long-term care facility or for a patient with a medical diagnosis that documents a terminal illness in conformance with all of the following:

(a) For each partial filling, the dispensing pharmacist shall record, on the back of the prescription or on another appropriate record that is uniformly maintained and readily retrievable, all of the following information:

- (i) Date of the partial filling.
- (ii) Quantity dispensed.
- (iii) Remaining quantity authorized to be dispensed.
- (iv) Identification of the dispensing pharmacist.

(b) The total quantity of schedule 2 controlled substances dispensed in all partial fillings may not be more than the total quantity prescribed.

(c) Prescriptions are valid for a period of not more than 60 days from the issue date unless terminated at an earlier date by the discontinuance of medication.

(d) A pharmacist shall record on the prescription whether the patient is terminally ill or is a long-term care facility patient.

(4) A pharmacy may partially fill a prescription for a schedule 3, 4, or 5 controlled substance if all of the following provisions are met:

- (a) Each partial filling is recorded in the same manner as a refilling.
- (b) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed.
- (c) No dispensing occurs after 6 months from the date the prescription was issued for schedules 3, 4, and 5.

R 338.3167 Dispensing schedule 5 substances without prescriptions.

Rule 67. (1) A pharmacist may, without a prescription, dispense a controlled substance listed in schedule 5 that is not a prescription medication as determined under the FDCA, 21 USC 301 to 392, if all of the following provisions are met:

(a) The dispensing pharmacist determines the controlled substance is intended to be used for a medical purpose.

(b) Not more than 240 cc, 8 ounces, or 48 solid doses of a substance containing opium or more than 120 cc, 4 ounces, or 24 solid doses of any other substance listed in schedule 5 are distributed at retail to the same purchaser in any single 48-hour period.

(c) The purchaser is not younger than 18 years of age.

(d) The dispensing pharmacist requires a purchaser, not known to the pharmacist, to furnish suitable identification, including proof of age where appropriate.

(2) If a pharmacist dispenses a controlled substance listed in schedule 5 without a prescription, then he or she shall affix to the container in which the substance is dispensed a label that shows the date, his or her name, and the name and address of the place of practice where the substance is dispensed.

(3) The pharmacist shall maintain a record of the dispensing without a prescription of controlled substances listed in schedule 5 with the following requirements:

(a) The record must be kept for 5 years from the date of dispensing. After 2 years, an electronic duplicate of the original order may be made which becomes the original record.

(b) The record must be immediately retrievable and may be maintained in the same manner as required for schedule 5 prescription medication.

(c) The record must contain all of the following information:

- (i) The name and address of the patient.
- (ii) The name and address of the purchaser if different from the patient.
- (iii) The name and quantity of substance purchased.
- (iv) The date purchased.
- (v) The name or initials of the pharmacist or pharmacy intern who dispensed the substance.

(vi) The medical purpose for which the medication is being used as determined by the pharmacist.

R 338.3168 Refilling of prescriptions.

Rule 68. (1) A prescription for a controlled substance listed in schedule 2 may not be refilled.

(2) A prescription for a controlled substance listed in schedules 3 and 4 may not be refilled more than 6 months after the prescription's date of issuance and may not be refilled more than 5 times. Renewal of the prescription must be consistent with the requirements for original prescriptions.

(3) A prescription for a controlled substance listed in schedule 5 may be refilled only as expressly authorized by the prescriber on the prescription up to 1 year; if no authorization is indicated, then the prescription may not be refilled.

R 338.3170 Dispensing and administering controlled substances by prescribers.

Rule 70. (1) A prescriber in the course of his or her professional practice may dispense, ~~or~~ administer, or delegate under direct supervision the administering of a controlled substance listed in schedules 2 to 5.

(2) A veterinarian, in the course of his or her professional practice may dispense, administer, or delegate the administering under direct supervision of a controlled substance listed in schedules 2 to 5 to an animal.

PART 7. DISTRIBUTIONS

R 338.3181 Distributions by dispensers.

Rule 81. (1) A dispenser who is not licensed as a wholesale distributor may distribute a controlled substance to another dispenser for the purpose of general dispensing to his or her patients if all of the following conditions are satisfied:

(a) The receiving dispenser is licensed to dispense the substance.

(b) The distribution is recorded by the distributing dispenser and a receipt record is maintained by the receiving dispenser.

(c) An order form for substances listed in schedules 1 and 2 is used.

(d) The total number of dosage units of all controlled substances distributed by the distributing dispenser during the 12-month period in which the dispenser is licensed is not more than 5% of the total number of all dosage units distributed and dispensed during the 12-month period.

(2) If the dispenser has reason to believe that the total number of dosage units which will be distributed by him or her pursuant to this rule will be more than 5% of the total number of dosage units of all controlled substances distributed and dispensed by him or her during the 12-month period, the dispenser shall obtain a license to distribute controlled substances.

R 338.3182 Rescinded.

R 338.3183 Distribution to suppliers.

Rule 83. (1) A person who is lawfully in possession of a controlled substance that is listed in any schedule may distribute the substance to the person from whom he or she obtained the substance or to

the manufacturer of the substance without obtaining a license to distribute. The person who distributes the substance shall maintain a written record that contains all of the following information:

- (a) The date of the distribution.
 - (b) The name, form, and quantity of the substance.
 - (c) The name, address, and license number, if any, of the person who makes the distribution.
 - (d) The name, address, and license number, if known, of the supplier or manufacturer.
- (2) In the case of a controlled substance listed in schedules 1 or 2, an order form must be used and maintained as the written record of the distribution.

R 338.3185 Discontinuances and transfers.

Rule 85. A licensee who wants to discontinue or transfer business activities or a professional practice altogether or only with respect to controlled substances shall return his or her DEA registration and any unexecuted order forms in his or her possession to the DEA. The licensee shall return the state controlled substances license to the department. The transfer of the controlled substances is subject to approval by the DEA pursuant to the provisions of 21 CFR 1301.52 and written notification must be provided to the department.

R 338.3186 Use of order forms and invoices.

Rule 86. An order form must be used to distribute schedule 2 substances and an invoice must be used to distribute schedules 3 to 5 substances. The order form may be executed only by a practitioner who is licensed under article 7 of the code, MCL 333.7101 to 333.7545, to prescribe or dispense controlled substances.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ELEVATORS

Filed with the secretary of state on

These rules take effect 90 days after filing with the secretary of state.

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 8 of 1967 PA 227, MCL 408.808, ~~and~~ section 3 of 1976 PA 333, MCL 338.2153, **and** Executive Reorganization Order Nos. 1996-2, ~~2003-1~~, **2003-1**, 2008-4 and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.7002, R 408.7003, R 408.7004, R 408.7005, R 408.7006, R 408.7007, R 408.7012, R 408.7014, R 408.7015, R 408.7019, R 408.7020, R 408.7023, R 408.7023a, R 408.7023b, R 408.7024, R 408.7025, R 408.7029, R 408.7030, R 408.7031a, R 408.7034, R 408.734a, R 408.7037a, R 408.7041, R 408.7045, R 408.7046, R 408.7054, R 408.7057, R 408.7057a, R 408.7058a, R 408.7058b, R 408.7059a, R 408.7060, R 408.7062, R 408.7071, R 408.7079, and R 408.7081a of the Michigan Administrative Code are amended, R 408.7054a is rescinded, and R 408.7031b, R 408.7033a, R 408.7040a, R 408.7041a, and R 408.7048a are added, as follows:

CHAPTER 1. GENERAL PROVISIONS

R 408.7002 Definitions.

Rule 2. (1) As used in these rules:

(a) "Act" means ~~elevator safety board~~, 1967 PA 227, MCL 408.801 to 408.824.

(b) "Belt manlift" means a power-driven endless belt ~~which~~ **that** has steps and handholds and ~~which~~ is used to transport persons in a vertical direction through successive floors or levels of a building or structure.

(c) "Department" means the department of licensing and regulatory affairs.

(d) "Electrical-powered, 1-man elevator" means an elevator that has a car platform area of not more than 5 square feet, a rated load of not more than 300 pounds, and a rated speed of not more than 100 feet per minute. It is for the exclusive use of certain designated operating and maintenance employees and is installed in any of the following structures:

- (i) A grain or feed mill.
- (ii) A chemical or alcohol distillery.
- (iii) A cement storage tower.

(iv) A radio tower.

(v) A similar structure that is not accessible to the general public.

(e) "Examination" means a survey of the design and construction of elevators or elevator equipment by a dealer in elevators or elevator equipment or an approved insurance company.

(f) "Hand-powered, 1-man elevator" means an elevator ~~which~~ **that** has a car platform area of not more than 5 square feet, ~~which~~ has a rated load of not more than 300 pounds, and ~~which~~ is operated from the car only by pulling on a stationary rope that is located in the hoistway and passing through or adjacent to the car platform. The elevator is for the exclusive use of certain designated operating and maintenance employees and is installed in a grain or feed mill or a similar structure that is not accessible to the general public.

(g) "Inspection" means the official determination by a general inspector of the condition of all parts of equipment on which the safe operation of an elevator depends.

(h) "Private residence elevator" means any elevating device installed in or at a private residence or installed in a building as a means of access to a private residence within such building, provided the elevator is installed so that it is not accessible to the general public or to other occupants in the building. The use is restricted to the owner and the owner's immediate family and nonpaying guests. All other elevating device installations ~~shall~~ **must** be classified as commercial.

(i) "Special elevating device" includes another lifting or lowering apparatus ~~which~~ **that** is guided as provided in section 3 of the act, **MCL 408.803**.

(j) "Temporary inspection" means the inspection of a permanent elevator that is to be used on a temporary basis.

(k) **"Maintenance" means the process of routine examination, lubrication, cleaning, and adjustment of parts components or subsystems, or both, to ensure performance pursuant to these rules and the American Society of Mechanical Engineers (ASME) A17.1.**

(2) Terms defined in the act have the same meanings when used in these rules.

R 408.7003 Applicability of national standards.

Rule 3. The following standards are adopted by reference.

(a) The following standards are available from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900, <https://www.asme.org>, at a cost as of the time of adoption of these rules, as stated in this subdivision:

(i) ASME A17.1-~~2010~~ **2016** safety code for elevators and escalators, except for sections, **1.2.1(b), 1.2.1(c), 2.5.1.5.3, 2.8.3.3.2, 2.8.6, 2.11.1.3, 2.11.1.4, 2.11.7.2, 2.11.7.2.1, 2.11.7.2.2, 2.11.7.2.3, 2.11.7.2.4, 2.11.7.2.5, 2.12.7.2.1(c), 2.12.7.2.2, 2.14.2.2(f), 2.14.2.6, 2.14.5.8.2, 2.14.5.9.2, 2.16.5.1.3, 2.22.2, 2.27.3.1.6(c), 3.18.3.8.3, 3.19.5.2, 3.22.1.6, 5.3.1.1.1, 5.3.1.1.2, 5.3.1.2.1, 5.3.1.14.3, 5.4.10.1, 5.4.10.2, 5.11, 5.12, 5.12.1, 5.12.1.1, 5.12.1.2, 5.12.1.3, 5.12.1.4, 5.12.2, 5.12.3, 8.6.1.7.1, 8.6.4.20.1(b), 8.6.4.20.1(b)(1), 8.6.4.20.1(b)(2), 8.6.4.20.10(b), 8.6.4.20.10(b)(1), 8.6.4.20.10(b)(2), 8.6.5.8, 8.6.7.11 to 8.6.7.11.3, 8.6.7.12, 8.6.7.12.1, 8.6.7.12.2, 8.6.11.5 to 8.6.11.5.6, 8.6.11.10 to 8.6.11.10.4, 8.7.2.14.5.2, 8.10.1.1.3, 8.11.1.1, 8.11.1.1.1, 8.11.1.1.2, 8.11.5.14 to 8.11.5.15. Cost ~~\$310.00~~ **\$252.00**.**

(ii) ASME A17.2-~~2012~~ **2017** guide for inspection of elevators, escalators, and moving walks. Cost ~~\$180.00~~ **\$195.00**.

(iii) ASME A17.3-**2017** safety code for existing elevators and escalators. Cost **\$168.00**.

~~(iii)~~(iv) ASME A17.6-~~2010~~ **2017** standard for elevator suspension, compensation, and governor systems. Cost ~~\$90.00~~ **\$92.00**.

~~(iv)~~ ASME A17.7-~~2007~~ performance based safety code for elevators and escalators, except for where the Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME

~~A17.1/CA B44 code section the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and must obtain department approval. Cost \$155.00.~~

~~(v)~~(v) ASME A18.1-2011 **2017** safety code standard for platform lifts and stairway chairlifts, except for sections 2.1.2 to 2.1.2.8, 2.1.3 to 2.1.3.10, 3.10.2 to 3.10.2.4, 10.1.1, 10.1.2 to 10.1.2.3, 10.1.3.3, 10.1.4, and 10.2.1. Cost ~~\$90.00~~ **\$98.00**.

~~(vi)~~ (vi) ASME A90.1-2009 safety standard for belt manlifts. Cost \$59.00.

(b) ANSI A10.4-2007 **2016**, the American National Standards Institute (ANSI), safety requirements for personnel hoist and employee elevators for construction and demolition and operations, except for sections 24.1.2.1 and 26.4.8.1, is available from ANSI at 1430 Broadway, New York, New York, 10018, **<https://www.ansi.org>**. Cost ~~\$74.00~~ **\$110.00**.

(c) The following standards are available from American Society for Testing and Materials, (ASTM), 100 Bar Harbor Drive, 2 Conshohocken, **PA Pennsylvania** 19428-2959, at a cost as of the time of adoption of these rules, as stated in this subdivision:

(i) ASTM D 2667-2008, “Standard test method for biodegradability of alkylbenzene sulfonates”. Cost ~~\$47.00~~ **\$69.00**.

~~(ii) ASTM E 648-2010, standard test method for critical radiant flux of floor covering systems using a radiant heat energy source. Cost \$47.00.~~ ASTM E 648-2010, standard test method for critical radiant flux of floor-covering systems using a radiant heat energy source. Cost ~~\$47.00~~ **\$69.00**.

(iii) ASTM F 714-2012, “standard specification for polyethylene (PE) plastic pipe (SDR-PR) based on outside diameter”. Cost ~~\$47.00~~ **\$69.00**.

(d) The standards adopted in this subrule are also available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, ~~2501 Woodlake Circle, Okemos, Michigan 48864~~ **611 W. Ottawa St., 1st Floor Ottawa Building, Lansing, Michigan 48933**. ~~Copies~~ **Direction to the organizations’ website to order the book** may be obtained from the bureau of construction codes. ~~at~~ ~~The cost of the individual codes as is noted in this subrule., plus the department’s cost for shipping and handling.~~

(e) All references to NFPA 70-2011 **2017** mean the Michigan electrical code. The Michigan electrical code is available for inspection ~~at or may be purchased from~~ the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes ~~2501 Woodlake Circle, Okemos, Michigan 48864,~~ **611 W. Ottawa St., 1st Floor Ottawa Building, Lansing, Michigan 48933**, at a cost as of the time of adoption of these amendatory rules of \$89.50.

R 408.7004 Registration of elevators.

Rule 4. An elevator shall be registered by the owner or user stating the location, type, capacity, name of manufacturer, and purpose for which it is used. ~~This registration shall be made on a form furnished by the department.~~ **The certificate holder is responsible for submitting this information and updating this information. The certificate holder shall submit this information to the department in writing.**

R 408.7005 Identification plates and tags.

Rule 5. (1) The holder of a certificate of operation shall permanently attach to the elevator in an approved area an identification plate **or an engraving in the car operating panel**, showing the type, the rated load, and the **state-assigned** serial number of each elevator. **The assignment of a serial number does not automatically make the unit safe for public operation. All units shall be inspected before use pursuant to R 408.7010.**

(2) One serial number tag ~~shall~~ **must** be furnished and ~~shall be~~ permanently attached to the elevator machine controller.

(3) Identification plates and tags ~~shall be~~ **are** furnished by the department and remain the property of the department.

R 408.7006 Accident reports.

Rule 6. The holder of a certificate of operation shall notify the department within 48 hours of every accident involving personal injury or damage to the elevator- **in a manner and on a form prescribed by the department.** The department may investigate any accidents involving personal injury or damage to the elevator.

R 408.7007 Responsibility for elevator operation and maintenance.

Rule 7. (1) Responsibility for the operation and maintenance of elevators ~~shall be~~ **is** as follows:

(a) The person, firm, or corporation installing, repairing, relocating, or altering an elevator ~~shall be~~ **is** responsible for its operation and maintenance until the certificate of operation is issued, except as provided for in R 408.7012, and ~~shall be~~ **is** responsible for all tests of new, repaired, relocated, and altered equipment until the certificate of operation is issued.

(b) The holder of a certificate of operation or duly appointed agent ~~shall be~~ **is** responsible for the safe operation and proper maintenance of the elevator.

(c) The holder of the certificate of operation ~~shall be~~ **is** responsible for all periodic inspections and tests, securing the renewal of the certificate of operation, and the compliance ~~with correction orders.~~ **with violation notices.**

~~(d)~~ **(d)** The licensed contractor holding a temporary certificate of operation ~~shall be~~ **is** responsible for the safe operation, ~~and~~ maintenance, **testing, and fees** of the elevator during the period that the temporary certificate is in force.

(2) Safety tests ~~shall~~ **must** be performed by **elevator journeypersons who are licensed in this state.** ~~personnel approved by the department.~~

R 408.7012 Temporary use of permanent elevators during construction.

Rule 12. (1) A licensed elevator contractor may request a temporary certificate of operation to permit the use of a passenger or freight elevator before its completion. ~~for carrying workers, authorized personnel, or materials. Such~~ The passenger or freight elevator **shall must** not be used until it has been approved by a general inspector, the required fee has been paid, and a temporary certificate of operation has been obtained. ~~Such~~ **This** certificate ~~shall~~ **must** be issued for a period not to exceed 90 **calendar** days. Renewals may be granted at the discretion of the department.

~~(2)~~ **(a)** Permanent elevators used temporarily during construction **to move workers, authorized personnel, and materials shall must have maintenance performed** ~~be inspected~~ every 30 **calendar** days- **by a licensed elevator journeyperson. These elevators must be inspected by a general elevator inspector employed by the department every 90 calendar days.**

(b) Periodic inspections may be conducted by a general inspector every 30 calendar days. The fees are cited in R 408.7019 and may be assessed at the discretion of the department.

(2) A licensed elevator contractor may also request an inspection and temporary certificate of operation to allow the use of a passenger or freight elevator by the public before its completion. **This elevator must not be used until it is inspected by a general inspector; the required fee, listed in R 408.7019, is paid; and a temporary certificate of operation is issued by the department to the**

licensed elevator contractor. The certificate must be issued for a period not to exceed 90 calendar days. Renewals may be granted at the discretion of the department.

(a) Permanent elevators used temporarily by the public must have maintenance performed by a licensed elevator journeyman every 30 calendar days.

(b) Periodic inspections may be conducted by a general inspector every 30 calendar days and the appropriate fees assessed at the discretion of the department.

R 408.7014 Inspection reports and certificates of operation.

Rule 14. (1) A general inspector shall ~~provide forward to the department~~ **provide forward to the department** a report of each inspection stating the condition of the elevator **within 2 business days of the inspection.** ~~The inspection report shall be filed with the department within 10 days after the inspection has been completed.~~

(2) A report indicating an elevator has been sealed out of service ~~shall~~ **must** be forwarded to the department within 48 hours **of being sealed.**

(3) The director shall issue a certificate of operation for a capacity not to exceed ~~that~~ **the capacity** named in the inspection report.

R 408.7015 ~~Correction orders~~ **Violation notices.**

Rule 15. (1) If upon inspection an elevator is determined to be in an unsafe condition, or if the owner or user has not complied with these rules, then the general inspector shall issue to the holder of the certificate of operation a **violation notice** ~~written correction order~~ stating corrections required and a time limit within which the **owner or user must comply with the violation notice.** ~~correction order shall be complied with by the owner or user.~~ The owner or user shall notify the department in writing as soon as **he or she has complied with the corrections stated in the violation notice and** full compliance is **affected.** Notification ~~shall~~ **must** be on forms furnished by the department.

(2) If in the judgment of the general inspector, ~~failure to make such these~~ **such these** corrections would endanger human life, then compliance with the **violation notice** ~~correction order~~ may be required immediately.

(3) Noncompliance with the **violation notice** ~~correction order~~ may subject the holder of the certificate of operation to the penalty provisions of the act.

R 408.7019 Fees.

Rule 19. (1) Fees ~~shall~~ **must** be paid in accordance with the following schedule:

Commissions to inspect elevators	
Commission	\$50.00.
Commission renewal.....	\$50.00.
Examination for certificates of competency	
Certificate of competency examination (nonrefundable)	\$50.00.
Elevator contractors and journeyman examination and licenses	
Elevator contractor’s license and renewal (nonrefundable).....	\$100.00.
Elevator contractor’s examination (nonrefundable)	\$100.00.
Elevator journeyman license and renewal (nonrefundable).....	\$40.00.
Elevator journeyman examination (nonrefundable).....	\$100.00.

Installation permits fees

~~Elevator installation application~~ **Application fee all devices** (nontransferable and nonrefundable) ~~\$60.00~~ **100.00.**

Base permit fee for ~~each~~ of the following devices:..... ~~\$200.00~~ **300.00.**

- Passenger elevator
- Freight elevator
- ~~Mine elevator~~
- Inclined elevator
- Limited-use/limited application elevator
- Private residence elevator
- Private residence inclined elevator
- Special purpose personnel elevator
- Dumbwaiter
- Material lift
- Power sidewalk elevator
- Rooftop ~~Elevator elevator~~
- Belt manlift
- Special elevating device

Personnel Hoist hoist

For ~~above these~~ installations, an additional **amount of \$50.00** ~~\$25.00~~ is charged ~~for each hoistway opening and for each floor traveled without a hoistway opening~~ **or for each floor traveled without a hoistway opening, or both.**

Base permit fee: Escalators and moving walks ~~\$240.00~~ **360.00.**
 Moving walk..... ~~\$240.00.~~

Base permit fee: private residence platform lift and private residency stairway chairlift..... ~~\$240.00.~~ **\$250.00.**

Base permit fee: platform lift and stairway chairlift~~\$240.00.~~ **\$100.00.**

Personnel hoist, initial inspection ~~\$340.00.~~
 Plus ~~\$25.00 for each hoistway opening and for each floor traveled without a hoistway opening.~~

~~Private residence platform lift and private residence stairway chairlift~~ ~~\$40.00.~~

~~Platform lift and stairway chairlift in buildings other than private residence~~ ~~\$70.00.~~

Alteration, replacement, and dormant elevator permit fees

Application fee: all devices, excluding emergency permits, nontransferable and nonrefundable.
 ~~\$100.00.~~ **\$100.00.**

Alteration personnel hoist ~~\$150.00.~~ **\$150.00.**

For the specified alteration fees, an additional amount is charged for each additional alteration and or personnel hoist tower rise at \$75.00.

Dormant elevator ~~\$100.00.~~ **\$100.00.**

For alterations, excluding personnel hoist, and dormant elevators, an additional amount of \$25.00 is charged for each hoistway opening or for each floor traveled without a hoistway opening, or both.

including travel time-, **any overnight accommodations, or special traveling needs, such as flights, if required.** Fees that are required pursuant to the provisions of the act shall **must** be paid to the department. Checks or money orders shall **must** be made payable to the "State of Michigan."

R 408.7020 ~~Supervising employees~~ **Licensed elevator contractor and elevator contracting company.**

Rule 20. (1) ~~If a contractor's license is based on the qualification of a supervising employee, then termination of employment of a supervising employee shall result in the suspension of the license 90 days after termination of employment and the license shall remain suspended until another supervising employee is certified for the employer by the board. The supervising employee and the employer shall each notify the department in writing when the termination of the employment of the former occurs. If an elevator contracting company's ability to apply for permits is based on the qualification of employing an individual who works full-time and is licensed in this state as an elevator contractor, the termination or separation of employment of the licensed elevator contractor must result in the immediate suspension of the elevator contracting company's ability to obtain new permits. An elevator contracting company's ability to request permits remains suspended until another licensed elevator contractor is working full time for the elevator contracting company. Upon separation from the elevator contracting company, the licensed elevator contractor and the elevator contracting company shall each immediately notify the department in writing when the termination or separation of the employment occurs. The notification to the department of a new licensed elevator contractor working for an elevator contracting company must be submitted in writing by the licensed elevator contractor and the elevator contracting company within 5 business days of hiring. Failure to notify the department of separation or hiring may result in a \$50.00 fine to be paid by either or both parties found not to have notified the department.~~

(2) ~~A person serving as supervising employee of a contractor may not concurrently serve as supervising employee of another contractor. A supervising employee shall be employed on a full-time basis by the contractor. A person serving as the licensed elevator contractor of an elevator contracting company may not concurrently serve as a licensed elevator contractor for another elevator contracting company. A licensed elevator contractor must be employed on a full-time basis by the elevator contracting company for whom the elevator contractor requests permits.~~

(3) ~~The elevator contracting company and the licensed elevator contractor license holder supervising employee shall be~~ **are** jointly and **separately** ~~severally~~ responsible for exercising the supervision and control of the elevator operations necessary to secure full compliance with the act, the rules promulgated under the act, and all other laws and rules related to elevating devices.

R 408.7023 Appeals to the board.

Rule 23. (1) Any person, firm, or corporation aggrieved by any decision, ruling, or order of the director or of the department may appeal within 15 days from date of mailing of the decision, ruling, or order to the board, for a hearing before the board ~~in accordance with~~ **pursuant to** section 8(1)(d) of the ~~elevator safety board act,~~ **of the act, MCL 408.808.** An appeal **must** specify the reasons and the relief sought and shall be submitted to the director for presentation to the board.

(2) A ~~\$200.00~~ **250.00 non-refundable nonrefundable** fee shall **must** be made to the department at the time the appeal is filed. Checks, ~~or~~ money orders, **e-checks, cashier's checks, or credit card charges** shall **must** be made payable to the "State of Michigan."

(3) The board shall set a time for hearing of the appeal and provide written notice to the appellant at least 10 days before the date set for hearing.

(4) A request for an adjournment ~~shall~~ **must** be filed in writing at least 5 days before the date set for hearing. The board or the director may, for good cause, grant an adjournment.

(5) If the appellant fails to appear at the time set for hearing, the board may proceed with the hearing and decide the case in the absence of the appellant. The board may affirm, modify, or set aside the ruling of the department and shall notify the director and the appellant in writing of its decision.

R 408.7023a Variance requests.

Rule 23a. (1) ~~Any~~ **A person, firm, or corporation** upon application in specific cases, may request a variation of the requirements of the rules when it is clearly evident that exceptions or variations are necessary to prevent undue hardship or when existing conditions prevent compliance with the ~~literal~~ requirements **of the act and these rules**. The request ~~shall~~ **must** be on a form prescribed by the department. ~~and~~ **A person, firm, or corporation shall** specify on the form the reasons **for the variance** and the relief sought. ~~The form and shall~~ **must** be submitted to the department for review.

(2) A ~~\$75.00~~ **100.00** nonrefundable fee ~~shall~~ **must** be **paid** to the department at the time the variance request is filed. Checks, ~~or~~ money orders, **e-checks, cashier's checks, or credit card charges shall** **must** be made payable to the "State of Michigan".

(3) The department may submit the variance request to the board for its action. The department shall set a time for reviewing a request submitted to the board and provide written notice to the appellant at least 10 days before the date set for the review.

(4) A request for an adjournment ~~shall~~ **must** be filed in writing by the appellant at least 5 days before the date set for the review. The department or the board may, for good cause, grant an adjournment.

(5) If the appellant fails to appear at the time set for the variance request, the action may ~~proceed~~ **continue** and the board may decide the request in the absence of the appellant. The request may be approved, denied, modified, or set aside. The department shall notify the appellant in writing of the decision.

R 408.7023b Product approval **acknowledgement**.

Rule 23b. (1) All elevating devices, equipment, systems, subsystems, components, and functions must be reviewed for compliance with the current elevator requirements and approved by the department before use in this state. An initial ~~\$75.00~~ **100.00** nonrefundable application fee ~~shall~~ **must** be made to the department at the time of application.

(2) All product ~~approval~~ **acknowledgement** requests **must** be on a form prescribed by the department and accompanied by a compliance document **that** reflects compliance with the corresponding requirements and supporting documents, **including, but not limited to**, drawings, wiring diagrams, factor of safety calculations, certifications, and any other information the department finds necessary for the specific review.

(3) **A letter on the manufacturer's letterhead, signed by an engineer who is employed by the manufacturer, must accompany the documentation. The letter must state that when installed per manufacturer specifications, the unit will comply with the applicable standards or codes, or both, that are adopted by reference in R 408.7003.**

~~(3)~~(4) A rate of ~~\$75.00~~ **100.00** per hour ~~shall~~ **may** be charged for special services of a product review. The total charges ~~shall be~~ **are** determined on an hourly basis for the review upon completion. An ~~approval~~ **acknowledgement** may not be granted until full payment of these services has been received.

R 408.7024 Applicability of rules and manual.

Rule 24. Elevators **that were** installed before the effective date of this code edition ~~shall~~ **must** comply with the this state's elevator laws and rules in effect at the time of adoption of this code until the device is altered. All other approved existing features or components of the elevator ~~shall~~ **must** comply with these rules and ~~shall~~ be maintained as described in the ~~American society of mechanical engineers (ASME) guide for inspection of~~ **safety code for existing elevators, and escalators, and moving walks ASME A17.2-2012-17.3**, which is adopted by reference in R 408.7003.

R 408.7025 ~~Service and examination~~ **Maintenance** of power elevators; frequency; exceptions.

Rule 25. (1) A power elevator, except a private residence elevator, private residence inclined elevator, private residence platform lift, or private residence stairway chairlift, ~~shall~~ **must** be ~~serviced~~ **maintained at least once every 90 days by** ~~and examined for defects by a licensed~~ **an** elevator journey person **who is licensed in this state**, except for the following devices, which ~~shall~~ **must** be ~~serviced~~ **maintained and examined** at least once every 180 days:

- (a) Dumbwaiters.
- (b) One-person elevators, electric and hand-powered.
- (c) Platform lifts and stairway chairlifts in buildings other than private residences.
- (d) Private residences inclined elevators installed under the requirements of the act for use by multiple residences.

(2) An ~~accessible~~ **ongoing** written record of all ~~service and examination~~ **maintenance and testing** ~~shall~~ **must** be ~~maintained~~ **kept** in the machine room or on-site if a machine room does not exist.

CHAPTER 2. ALL ELEVATORS

R 408.7029 Dormant elevators.

Rule 29. (1) An elevator, escalator, or moving walk ~~which~~ **that** is inactive for 1 year ~~shall~~ **must** be classified as dormant and placed out of service in compliance with section 8.11.1.4(b) of the ASME A17.1 code.

(2) **A permit must be obtained and the elevator must not be placed into service until it has been inspected and tested by a general inspector, except as provided in section 15 of the act, MCL 408.815.**

~~(2)~~(3) A platform lift or stairway chairlift ~~which~~ **that** is inactive for 1 year ~~shall~~ **must** be classified as dormant and placed out of service as follows:

- (a) The device ~~shall~~ **must** be lowered and any suspension means removed.
- (b) The power feed lines ~~shall~~ **must** be disconnected from the machine disconnect switch and taped in compliance with section 10.1.6 of the ASME A18.1 code, **as adopted by reference in R 408.7003.**
- (c) All landing entrances ~~shall~~ **must** be secured in a closed position from inside the runway or hoistway.
- (d) Folding type devices ~~shall~~ **must** be secured against movement.

~~(3)~~(4) Before a dormant elevating device may be placed in service, **an alteration permit must be applied for and approved by the department. The dormant elevating device** ~~it~~ ~~shall~~ **must** be inspected by the department and ~~shall~~ conform to these rules and the applicable section of the standard.

R 408.7030 Elevator and escalator monitoring.

Rule 30. All elevators and escalators may be monitored from a remote location. Monitoring ~~shall~~ **must** consist of passing information from the elevator control to a remote location for the collection of information. A device ~~shall may~~ not have the capability to adjust, alter, change, or reset any switch, parameter, or system of the elevator control from any location except the corresponding car, hoistway, machine room, lobby panel, or fire command center. The device ~~shall~~ **must** not be capable of bypassing or resetting any safety or electrical protective device. The monitoring means may be used to initiate car and hall landing calls or to secure floors from access. Information collected ~~shall~~ **must** be made available to the department upon request. **A system related to the operation of an elevator or escalator that interfaces and communicates with the device and any other device must also comply with this rule.**

CHAPTER 3. ASME A17.1 MODIFICATIONS

R 408.7031a ~~ASME A17.7/CSA B44.7~~ **Automated equipment utilizing elevator.**

Rule 31a. Section 1.2.1 of the ASME A17.1/CSA B44 code is amended to read as follows:

~~(1) 1.2.1 The purpose of this code is to provide for the safety of life and limb, and to promote the public welfare. Compliance with this code shall be achieved by either subdivisions (a), (b) and (d) or (c) and (d):~~

~~–(a) Conformance with the requirements in ASME A17.1/CSA B44. ———~~

~~–(b) Conformance with some of the requirements in ASME A17.1/CSA B44 and for systems, subsystems, components, or functions that do not conform with certain requirements in ASME A17.1/CSA B44, conform with the applicable requirements in ASME A17.7/CSA B44.7. Where the Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CSA B44 code section the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and shall also obtain department approval.~~

~~–(c) Conformance with the requirement in ASME A17.7/CSA B44.7. Where Michigan elevator rules make an exception to, addition to, or an amendment of, an ASME A17.1/CSA B44 code section the provisions of the Michigan elevator rules shall govern over the corresponding section in ASME A17.7/CSA B44.7 and shall also obtain department approval.~~

~~–(d) Any ASME A17.7/CSA B44.7 certifications that violate the Michigan elevator rules exceptions, additions, or modifications to ASME A17.1/CSA B44 shall require approval from the department. **Not more than 1 elevator in a bank may be occupied by an automated device at any 1 time. If a single elevator bank is selected due to normal power supply loss, automated devices may not utilize that car. General public passenger cars may not be used to transport automated devices.**~~

(2) A maintenance program for devices must be instituted by the building owner and be available to the requestor upon request.

(3) Devices that utilize multiple carts must be tested annually with all possible variations of carts. Records must be kept onsite and be available to the requestor upon request.

(4) All circuitry and controllers must be kept out of elevator machine rooms and control spaces.

(5) Proper signage must be posted at each elevator connected to the automated devices. Signs must include both of the following language:

(a) Do not enter or use elevator if automated carts are entering, exiting, or on the car.

(b) Service elevator interfaced with automated carts, “Stand clear!”

(6) Any interfacing must comply with R 408.7030.

R 408.7031b Guards between adjacent pits.

Rule 31b. Section 2.2.3 of the ASME A17.1 code is amended to read as follows: **Guards must be provided between adjacent pits. The guard must be not less than 2,000mm, or 79 inches, from the pit floor, metal unperforated or perforated, with openings that will reject a ball of 50 mm, or 2 inches. It must be supported and braced such that it will not deflect more than 25mm, or 1 inch, when subjected to a force of 4.79 kPa (100lb/ft²) applied horizontally at any point. The guard may extend not less than 305mm, or 12 inches, horizontally on each side of the ladder.**

NOTE: A single horizontal structural element at the top of a pit ladder, used to stabilize the vertical side rails, is not considered a rung or handgrip.

EXCEPTION: The guard may be omitted if the clearance between the underside of the car sling when resting on a fully compressed buffer and the bottom of the pit is not less than 2.13m, or 7 feet.

R 408.7033a Sumps and sump pumps.

Rule 33a. Section 2.2.2.6 of ASME A17.1 is amended to read as follows: **Sumps and sump pumps in pits, where provided, must be covered. Covers must be secured and level with the pit floor and be either a recessed grate type or solid. If solid, it must have means to permit water flow to comply with section 2.2.2.5 of ASME 17.1.**

R 408.7034 Enclosure of machine rooms and machinery spaces.

Rule 34. Section 2.7.1 of the ASME A17.1 code is amended to read as follows:

2.7.1. Machines, control equipment, sheaves, and other machinery ~~shall~~ **may** not be exposed to the weather. Machine room, control room, and machinery-space enclosures ~~shall~~ **must** conform to section 2.7.1.1 or 2.7.1.2, and ~~shall~~ also conform to 2.7.1.3 of the ASME A17.1 code, as applicable.

Machine rooms and control rooms ~~shall~~ **must** be located at a hoistway landing associated with the equipment within the room. Elevator machine and control rooms may be located overhead, adjacent to, underneath the hoistway, or at a remote location. The entrance to the machine room or control room ~~shall~~ **may** be not more than 25 feet, clear unobstructed walking pathway from the elevator hoistway door. The distance from the machine room door to the hoistway door may be over 25 feet when the machine room is located directly above the hoistway in a conventional layout. Pit and hoistway access doors ~~shall~~ **may** not be a direct access between a hoistway enclosure and machine room or control room.

Elevators installed without a machine room or control room ~~shall~~ **must** locate the required disconnecting means ~~in a single machinery space or control space outside of the hoistway in a separate dedicated control space that is readily accessible and adjacent to the control space that contains the control, located within 25 feet clear unobstructed walking pathway of the elevator hoistway door, inspection, and test panel, and at the same hoistway landing.~~

The disconnecting means ~~shall~~ **must** be located in a single dedicated space, or dedicated room, intended with or without full body entry, and ~~shall be secured so only the elevator journey person or other qualified personnel may gain access.~~ **at a distance not to exceed 25 feet from the landing that contains the elevator control, inspection, or test panel. The disconnecting means must be secured so that only elevator journeyman and qualified personnel may gain access. If the controller is within a manufacture's door frame, signage must be placed at or near the frame with the specific location of the disconnecting means.**

Access to machine rooms, control rooms, machine spaces, or control spaces ~~shall~~ **may** not be through restrooms, lavatories, locker rooms, or associated vestibules. Where enclosed ceilings are required or provided, they ~~shall~~ **must** be of a solid type with no access panels. Drop type ceilings ~~shall~~ **are** not be

permitted. Machine rooms, control rooms, machinery spaces, and control spaces ~~shall~~ **may** not be used as a pass through or for access to other areas. Building access panels or doors are prohibited in these areas.

R 408.7034a Location of equipment.

Rule 34a. Section 2.7.6.3.2 of the ASME A 17.1 code is amended to read as follows:

2.7.6.3.2 The motor controller ~~shall~~ **must** be located in a machinery space within the hoistway, a machine room, or control room. A motor controller ~~shall~~ **may** not be located outside the specified spaces. **Regardless of location, illumination of 19fc, meaning foot candles, must be provided where controller work is to be performed.**

R 408.7037a Illumination of cars and lighting fixtures.

Rule 37a. Section 2.14.7.1.4 of ASME A17.1 is amended to read as follows:

2.14.7.1.4 Each elevator ~~shall~~ **must** be provided with at least 2 electric light fixtures and a **ground fault circuit interrupter convenience outlet fixture duplex receptacle** on the car top. The 2 light fixtures combined ~~shall~~ **must** provide an illumination level of not less than 10 fc at **any point on** the car top. The light fixtures ~~shall~~ **must** be permanent and be of the fixed or portable type and ~~shall~~ be equipped with guards.

R 408.7040a Phase I emergency recall operation.

Rule 40a. Section 2.27.3.1.5 of the ASME A17.1 code is amended to read as follows:

All “FIRE RECALL” switches must be provided with an illuminated visual signal. The visual signal must be 1 of the symbols shown in Fig.2.27.3.1.6(h) to indicate when Phase I Emergency Recall Operation is in effect.

R 408.7041 Machinery spaces, machine rooms, control spaces, and control rooms.

Rule 41. Sections 3.7 and 3.7.1 of the ASME A17.1 code is amended to read as follows:

3.7. A machinery space outside the hoistway containing a hydraulic machine and an elevator controller ~~shall~~ **must** be a machine room. The hydraulic machine ~~shall~~ **must** be located in a machine space within the elevator hoistway or outside the hoistway in an elevator machine room. **Hydraulic machines being installed in the line of movement of an elevator car or where an affected person is required to work in the line of movement of an elevator car must be prohibited.** The elevator controller ~~shall~~ **must** be accessible only from a machine room, control room, or hoistway.

3.7.1. Hydraulic machines, control equipment, sheaves, and other machinery ~~shall~~ **may** not be exposed to the weather. Machine room, control room, and machinery-space enclosures ~~shall~~ **must** conform to the requirements of sections 2.7.1 to 2.7.7 and 2.7.9 of the ASME A17.1 code and the following:

Machine rooms and control rooms ~~shall~~ **must** be located at a hoistway landing associated with the equipment within the room. Elevator machine and control rooms may be located overhead, adjacent to, underneath the hoistway, or at a remote location. The entrance to the machine room or control room ~~shall~~ **must** be not more than 25 feet, clear unobstructed walking pathway from the elevator hoistway door. The distance from the machine room door to the hoistway door may be over 25 feet when the machine room is located directly above the hoistway in a conventional layout. Pit and hoistway access doors ~~shall~~ **may** not be for direct access between a hoistway enclosure and machine room or control

room. **Regardless of location, illumination of 19fc, meaning foot candles, must be provided where controller and machinery work is to be performed.**

Elevators installed without a machine room or control room ~~shall~~ **must** locate the required disconnecting means ~~in a single machinery space or control space~~ outside of the hoistway **in a separate dedicated control space, readily accessible and adjacent to the control space that contains the control,** ~~Located within 25 feet clear unobstructed walking pathway of the elevator hoistway door, inspection, and test panel, and at the same hoistway landing.~~

The disconnecting means ~~shall~~ **must** be located in a single dedicated space, or dedicated room, intended with or without full body entry, **at a distance not to exceed 25 feet from the landing that contains the elevator control, inspection, or test panel.** ~~and~~ **The disconnecting means shall must** be secured so **that only** ~~so only~~ the elevator journeyperson- journeyman ~~or other~~ and qualified personnel may gain access. **Signage must be placed in plain view, at or near the controller, and state the location of the disconnecting means.**

Access to machine rooms, control rooms, machine spaces, or control spaces ~~shall~~ **may** not be through restrooms, lavatories, locker rooms, or associated vestibules. Where enclosed ceilings are required or provided, they ~~shall~~ **must** be of a solid type with no access panels. Drop type ceilings ~~shall~~ **are** not be permitted. Machine rooms, control rooms, machinery spaces, and control spaces ~~shall~~ **may** not be used as a pass through or for access to other areas. Building access panels or doors are prohibited in these areas.

R 408.7041a. Fire extinguishers.

Rule 41a. Section 8.6.6.5 of ASME A17.1 is amended to read as follows: In jurisdictions not enforcing the National Building Code of Canada, Class “ABC” fire extinguishers must be provided in elevator machine rooms, control rooms, and control spaces outside the hoistway intended for full bodily entry, and walk-in machinery and control rooms for escalators and moving walks; and they must be located convenient to the access door.

For machine-room-less (MRL) installations, Class “ABC” fire extinguishers must be conspicuously located where they are readily accessible outside of the elevator hoistway within 21 ft (6.4m) of the centerline of each elevator entrance associated with the controller.

R 408.7045 Shutoff valves; gauge snaps; underground piping; tags.

Rule 45. Section 3.19.4.1 of the ASME A17.1 code is amended to read as follows:

3.19.4.1 A shutoff valve ~~shall~~ **must** be provided on a new or modernized hydraulic elevator and ~~shall~~ be installed in the cylinder supply line within the elevator machine room. If the hoistway is remotely located from the machine room, then a shutoff valve ~~shall~~ **must** also be provided in the elevator pit.

~~Where the hydraulic machine is located in the hoistway, the manually operated shutoff valve may be located inside the hoistway, provided that it is accessible from outside the hoistway to elevator personnel only.~~

R 408.7046 Pressure gauge fittings.

Rule 46. Section 3.19.4.5 of the ASME A17.1 code is amended to read as follows:

3.19.4.5 A new hydraulic machine ~~shall~~ **must** be provided with the necessary permanent pressure gauge snap-on fittings or permanent gauges, with a shut off valve to allow pressure readings at each pump for checking operating pressures. The gauge or fitting ~~shall~~ **must** be located on the jack side of

the check valve or immediately adjacent to the hydraulic control valve. ~~Where the hydraulic machine is located in the hoistway, the pressure gauge fittings shall only be accessible to elevator personnel from outside the hoistway.~~

R 408.7048a. Rupture or overspeed valve.

Rule 48a. Section 5.3.2.2.2 of the ASME A17.1 code is amended to read as follows:

A pressure switch must be provided to remove power from the pump motor and the control valve unless there is positive pressure at the control valve.

A rupture or overspeed valve must be provided on all roped hydraulic jacks, either cable or chain, to stop the flow of fluid and arrest the descent of the car in the event of line or pipe rupture.

R 408.7054 Skirt deflector devices.

Rule 54. Section 6.1.3.3.10 of the ASME A17.1 code is amended to read as follows:

6.1.3.3.10 Deflector devices ~~shall be~~ **are** permitted. Where provided, deflector devices ~~shall~~ **must** extend from skirt panels parallel to the escalator path of travel. Means to secure ~~such~~ **these** deflector devices may be on the exposed surface of the skirt. All fasteners ~~shall~~ **must** be of steel with machine screw threads. Any exposed fastener heads shall be of the tamper-resistant type and flush to within 1 mm, ~~or~~ **(0.04 inch)**.

(1) Rigid elements ~~shall~~ **must comply** ~~be in compliance~~ with the following conditions:

(a) Horizontal protrusions extending above the step ~~shall~~ **must** be 18 mm, ~~or~~ **(0.75 inch)**, maximum. Corners or changes in profile ~~shall~~ **must** be rounded or beveled.

The exposed surfaces of such elements ~~shall~~ **must** be smooth and permanently treated with a low-friction material.

(b) On the incline, the area of any protrusion ~~shall~~ **must** lie entirely offset outward from a line beginning on the vertical portion of the skirt panel measured 25 mm, ~~or~~ **(1 inch)**, vertically above the step nose line. The lower surface ~~shall~~ **must** be beveled not less than 10 degrees upward and the upper surface ~~shall~~ **must** be beveled not less than 15 degrees downward in compliance with Figure 6.1.3.3.10 of the ASME A17.1 code.

(c) At the upper and lower landing, any protrusion ~~shall~~ **must** lie entirely above a line beginning on the vertical portion of the skirt panel 50 mm, ~~or~~ **(2 inches)**, above the step nose line. The lower surface ~~shall~~ **must** be beveled not less than 10 degrees upward and the upper surface ~~shall~~ **must** be beveled not less than 15 degrees downward. Any rigid elements at the landings ~~shall~~ **must** smoothly blend into the rigid elements along the incline in accordance with the radius of curvature of the transition zone.

(d) If attached to the skirt, rigid elements ~~shall~~ **must** withstand a force of 900 N (200 lbf) perpendicular to the line of attachment of the element without detachment or permanent deformation. The force shall be applied to an area of 645 mm² (1 inch²).

(2) Flexible elements ~~shall~~ **must be in compliance** **comply** with the following conditions:

(a) The horizontal protrusion extending from the skirt surface above the step ~~shall~~ **must** be 50 mm, ~~or~~ **(2 inches)**, maximum.

(b) ~~Shall~~ **Must** be capable of deflecting to an angle of 10 degrees or greater above the horizontal protrusion.

(c) Noncontinuous flexible elements ~~shall be~~ **are** allowed to deflect to allow a maximum of 9.5 mm, ~~or~~ **(0.375 inch)**, interference with any point on the step surface.

(d) Continuous flexible elements ~~shall~~ **may** not deflect such that they can contact the steps.

R 408.7054a ~~Code data plate.~~ **Rescinded.**

Rule 54a. ~~Section 8.6.1.5.1 of the ASME A17.1 code is amended to read as follows:~~

~~8.6.1.5.1 A data plate that indicates the code and edition in effect at the time of installation and any alteration as described in section 8.7.1.8 of the ASME A17.1 code may be provided. The data plate may also specify the code and edition in effect at the time of any alteration and the applicable requirements of section 8.7 of the ASME A17.1 code.~~

R 408.7057 Applicability of alteration requirements.

Rule 57. Section 8.7.1.1 of the ASME A17.1 code is amended to read as follows:

8.7.1.1 (1) If **an alteration is performed to the elevator or any of its subsystems**, regardless of any other requirements of section 8.7 of the ASME A17.1 code, then **the installation the alteration**, at a minimum, **shall must** conform to both of the following requirements:

(a) ~~The Michigan~~ **This state's** elevator laws and rules at the time of installation.

(b) ~~The Michigan~~ **This state's** elevator laws and rules for the alteration at the time of any alteration.

(2) A permit **shall must** be obtained and the elevator **shall may** not be placed into service until it has been inspected and tested in the presence of a general inspector, except as provided in section 15 of the act, **MCL 408.815**.

R 408.7057a ~~Code data plate~~ **Bottom car clearances.**

Rule 57a. ~~Section 8.7.1.8 of the ASME A17.1 code is amended to read as follows:~~ **Section 2.15.9.2(c) of ASME A17.1 is amended to read as follows:**

~~8.7.1.8. A data plate may be provided as required by section 8.6.1.5 of the ASME A17.1 code. In jurisdictions enforcing national building code of Canada, the data plate required by 8.9.1 shall include the code and edition in effect at the time of alteration and the requirements in section 8.7 of the ASME A17.1 code that were applicable to the alteration.~~ **2.15.9.2(c). Where the installation is the result of replacement or modernization utilizing an existing hoistway and pit, the toe guard may be reduced in length utilizing an existing hoistway and pit, provided the car speed does not exceed 150 feet per minute. The toe guard may be reduced in length proportionate to the maximum length the pit depth will allow complying with section 2.4.1.5. At no time may the toe guard be shorter than the leveling or truck zone plus 75mm, or 3 inches.**

R 408.7058a ~~Escalators; general requirements~~ **electrical protective devices.**

Rule 58a. Section ~~8.7.6.1.1~~ **6.1.6.3** of the ASME A17.1 code is amended to read as follows:

~~8.7.6.1.1 A change in component parts that are interchangeable in form, fit, and function is an alteration and shall comply with the requirements in this section as described in section 8.6.3.1 of the ASME A17.1 code.~~

~~The addition of a component or a device that was not part of the original design is an alteration and shall conform to the requirements of section 8.7.6.1 of the ASME A17.1 code for that device or component.~~

~~The requirements of section 6.1.3.6.5 of the ASME A17.1 code do not apply to existing escalators that were not required to comply with this requirement at the time of the original installation.~~ **6.1.6.3.**

Electrical protective devices must be provided pursuant to 6.1.6.3 through 6.1.6.3.16 and be the manually resetting type. Automatic resetting of a safety device within these codes is prohibited.

R 408.7058b ~~Moving walks; general requirements~~ **electrical protective devices.**

Rule 58b. Section ~~8.7.6.2.1~~ **6.2.6.3** of the ASME A17.1 code is amended to read as follows:

~~8.7.6.2.1. A change in component parts that are interchangeable in form, fit, and function is an alteration and shall comply with the requirements in this section as described in section 8.6.3.1 of the ASME A17.1 code.~~

~~The addition of a component or a device that was not part of the original design is an alteration and shall conform to the requirements of section 8.7.6.2 of the ASME A17.1 code for that device or component.~~

~~When multiple driving machines per moving walk are utilized, operating and safety devices required by section 8.7.6.2 of the ASME A17.1 code shall simultaneously control all driving machines.~~

6.2.6.3. Electrical protective devices must be provided pursuant to 6.2.6.3.1 through 6.2.6.3.12 and be the manually resetting type. Automatic resetting of a safety device within these codes is prohibited.

R 408.7059a Periodic test tags.

Rule 59a. Section ~~8.6.1.7.2~~ **8.10.1.1.1** of the ASME A17.1 code is amended to read as follows:

~~8.6.1.7.2~~ **8.10.1.1.1. The acceptance inspection must be made by an inspector employed by the authority having jurisdiction. All parts of the installation must be inspected for conformity with the requirements of this state's elevator laws, these rules, and section 8.10 of the ASME A17.1 and ASME 17.2.** An approved paper tag with the applicable code requirement or requirements and date or dates performed, and the name of the person or firm performing the test, shall **must** be installed in the machine room or machine space for all periodic tests.

R 408.7060 Three-year inspection and test requirements.

Rule 60. Section 8.6.5.15.3 is added to the ASME A17.1 code to read as follows:

8.6.5.15.3. (1) Cylinders shall **must** be tested at intervals of not more than 36 months.

(2) Three-year inspection and test requirements **are as follow-:**

(a) The relief valve setting **must shall be in compliance comply** with section 3.19.4.2 of the ASME A17.1 code. The relief valve shall **must** be resealed if the relief valve setting is altered or if the seal is broken.

(b) Test the relief valve setting by first inching the empty car upward to engage the plunger stop ring or to engage other suitable blocking provided and then apply pressure from the pump to check the setting. **A copy of test forms must be maintained on site in the machine room or space available to elevator personnel pursuant to section**

8.6.1.4.1 of ASME A17.1. Procedures for set test are as follows:

(i) Put rated load in the car and locate it at any convenient level.

(ii) Open the disconnect switch and locate the elevation of the platform with respect to a convenient reference.

(iii) For cylinders that are not completely exposed, after not less than 2 hours, note the position of the platform with respect to the chosen reference. For cylinders that are completely exposed, after not less than 30 minutes, note the position of the platform with respect to the chosen reference. A change in the car position during a cylinder test that cannot be accounted for by visible oil leakage or temperature change of the oil indicates a failure of some type requiring further inspections, tests, or repairs. An accessible written record of all oil levels and all oil added shall **must** be maintained in the machine room.

CHAPTER 4. ASME A18.1 MODIFICATIONS

R 408.7062 Runway entrance.

Rule 62. Section 2.1.1.2 of the ASME A18.1 code is amended to read as follows:

2.1.1.2 The runway entrance ~~shall~~ **must** be guarded at the upper landing by a door of unperforated construction not wider than the platform plus 1 inch, **or** (25.4 **millimeters**). The door ~~shall~~ **must** be self-closing **or power operated** and guard the entire opening to a height equal to or higher than the height of the platform enclosure. The openings created in the runway by these doors ~~shall~~ **must** provide a minimum vertical clearance of 6 feet 8 inches. The doors ~~shall~~ **must** guard the entire area of the openings except for space necessary for operation. Space necessary for operation ~~shall~~ **must** reject a ball 12 mm, **or** (0.5 **inches**), in diameter. The lift side of the landing doors and sill ~~shall~~ **must** present a smooth surface located not closer than 10 mm, **or** (0.375 **inches**), or more than 20 mm, **or** (0.75 **inches**), from the platform floor.

CHAPTER 6. ANSI A10.4 MODIFICATIONS

R 408.7071 Location.

Rule 71. Section 5.4.8 of the ANSI A10.4 standard is amended to read as follows:

5.4.8. (1) A personnel hoist ~~shall~~ **must** be installed not less than 10 feet from any other lifting or lowering apparatus except other personnel hoists.

(2) A hoistway ~~shall~~ **may** not be located either partially or wholly over sidewalks or passageways.

(3) If tower cranes **or any other lifting or lowering apparatus** are installed such that the boom, **load**, or trolley may go over or into the 10-foot restricted area, then the personnel hoist ~~shall~~ **must** be unoccupied anytime the boom, or trolley passes over the restricted area. The evacuation of the personnel hoist ~~shall~~ **must** be the responsibility of the crane operator and the general contractor.

R 408.7079 Rated load safety test.

Rule 79. Section 26.4.8 of the ANSI A10.4 standard is amended to read as follows:

26.4.8 A rated load safety test, as required by section 26.2.1.1 of the ANSI A10.4 standard, ~~shall~~ **must** be performed by a licensed elevator contractor in the presence of a general elevator inspector every 90 days. **Periodic inspections may be conducted every 30 days and the appropriate fees assessed at the discretion of the department.**

R 408.7081a Operators.

Rule 81a. Section 30.3 of the ANSI A10.4 standard is amended to read as follows:

30.3 The user shall ensure that the operators are knowledgeable and capable of performing the duties outlined in the operating manual and are capable of recording such activity in their log. **A list certifying the training of any operator must be kept in the on-site documentation. Only authorized personnel listed in that document may operate the lift.**

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Elevator
Rule Set 2019-138 LR

NOTICE OF PUBLIC HEARING
Friday, February 4, 2022
10:00AM

Michigan Library & Historical Center
720 W. Kalamazoo, Lansing, Michigan 48915

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Elevator rule set.

The rules are being revised to update the Michigan Elevator Rules by adopting the following national standards: the ASME A17.1-2016. The standards cover the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevating devices.

The adoption of national standards ensures that elevating devices are constructed, maintained, and inspected to the most current standards. As with all construction codes, it is essential to establish standards that address new technology and innovative equipment, as well as resolve problem areas that have been identified with the use of existing or older standards. The adoption of national standards further ensures that rules are developed through a consensus process by persons affected by the rules.

By authority conferred on the director of the department of licensing and regulatory affairs by section 8 of 1967 PA 227, MCL 408.808, section 3 of 1976 PA 333, MCL 338.2153, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4 and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030.

The proposed rules will take effect 90 days after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 2/1/2022 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: JohnsonA39@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 2/4/2022 at 05:00PM.

Administrative Services Division- Rules Analyst Amanda Johnson
611 W. Ottawa Street Lansing, MI 48933

JohnsonA39@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-582-5519 to make arrangements.

MICHIGAN ADMINISTRATIVE CODE TABLE
(2022 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

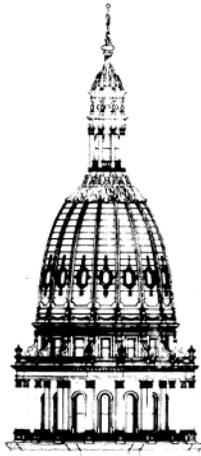
“(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.”

The following table cites administrative rules promulgated during the year 2022 and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2022 RULE FILINGS)**

R Number	Action	2022 MR Issue	R Number	Action	2022 MR Issue
338.3101	*	1	338.3161a	*	1
338.3102	*	1	338.3162	*	1
338.3104	*	1	338.3162a	*	1
338.3108	*	1	338.3162b	*	1
338.3109	R	1	338.3162c	*	1
338.3111	*	1	338.3162d	*	1
338.3112	R	1	338.3162e	R	1
338.3113	R	1	338.3163	*	1
338.3113a	R	1	338.3181	R	1
338.3114	R	1			
338.3114a	R	1			
338.3116	R	1			
338.3117	R	1			
338.3118	R	1			
338.3119	R	1			
338.3119a	R	1			
338.3119b	R	1			
338.3120	R	1			
338.3121	R	1			
338.3121a	R	1			
338.3122	R	1			
338.3123	R	1			
338.3125	R	1			
338.3126	R	1			
338.3127	R	1			
338.3129	R	1			
338.3132	*	1			
338.3135	*	1			
338.3136	R	1			
338.3137	*	1			
338.3141	*	1			
338.3143	*	1			
338.3145	*	1			
338.3151	*	1			
338.3152	R	1			
338.3153	*	1			
338.3153a	*	1			
338.3154	*	1			
338.3161	*	1			

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)



**CUMULATIVE
INDEX**

L

LICENSING & REGULATORY AFFAIRS
Pharmacy - Controlled Substances (2022-1)

**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2021 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2021 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

January 25, 2022
Compiled through PA 168 of 2021

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001		0030	Yes	3/2/2021	3/2/2021	3/2/2021	Highways; memorial ; portion of I-94 in Wayne County; designate as the "Firefighter Coleman A. Tate Memorial Highway". (<i>Sen. Adam J. Hollier</i>)
0002	4047		Yes	3/9/2021	3/9/2021	3/9/2021 +	Appropriations; supplemental ; supplemental appropriations; provide for fiscal year 2020-2021. (<i>Rep. Timothy Beson</i>)
0003	4048		Yes	3/9/2021	3/9/2021	3/9/2021 +	School aid; supplemental ; supplemental school funding; provide for. (<i>Rep. Brad Paquette</i>)
0004		0186	Yes	3/24/2021	3/24/2021	3/24/2021	Agriculture; industrial hemp ; regulations for growing industrial hemp; modify. (<i>Sen. Dan Lauwers</i>)
0005		0100	Yes	3/26/2021	3/26/2021	3/26/2021	Children; child care ; definition of foster care; provide for. (<i>Sen. John Bizon, M.D.</i>)
0006	4126		Yes	4/8/2021	4/8/2021	4/8/2021	Natural resources; hunting ; pheasant stamp program; modify. (<i>Rep. Gary Howell</i>)
0007	4569		Yes	4/22/2021	4/22/2021	4/22/2021	Individual income tax; city ; extension of 2020 city income tax filing deadline; allow. (<i>Rep. Andrew Beeler</i>)
0008	4571		Yes	4/22/2021	4/22/2021	4/22/2021	Individual income tax; returns ; extension of filing deadline for 2020 income taxes; allow. (<i>Rep. Tenisha Yancey</i>)

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
- Tie bar.

PA No.	ENROLLED		I.E* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0009	4469		Yes	5/6/2021	5/7/2021	5/7/2021	Appropriations; natural resources; Michigan natural resources trust fund; provide appropriations for fiscal year 2021-2022. <i>(Rep. Sue Allor)</i>
0010	4019		Yes	5/6/2021	5/7/2021	5/7/2021	Appropriations; zero budget; multi-department supplemental appropriations; provide for fiscal year 2020-2021. <i>(Rep. Thomas Albert)</i>
0011	4429		Yes	5/13/2021	5/13/2021	5/13/2021	Highways; memorial; portion of US-2 and US-41; designate as the "Darryl M. Rantanen Memorial Highway". <i>(Rep. Beau LaFave)</i>
0012	4067		No	5/13/2021	5/13/2021	3/30/2022	Health occupations; dentists; health profession specialty field license; expand to include other health profession specialty fields. <i>(Rep. Ben Frederick)</i>
0013	4053		Yes	5/13/2021	5/13/2021	5/13/2021	Highways; memorial; portion of M-120; designate as the "Deputy Ernest W. Heikkila Memorial Highway". <i>(Rep. Greg VanWoerkom)</i>
0014		0016	Yes	5/19/2021	5/19/2021	8/17/2021	Housing; inspection; change of ownership; exclude certain transfers. <i>(Sen. Dale W. Zorn)</i>
0015		0118	Yes	5/19/2021	5/19/2021	5/19/2021	School aid; penalties; penalties for prohibited conduct; modify. <i>(Sen. Ed McBroom)</i>
0016		0141	Yes	5/24/2021	5/25/2021	8/23/2021 #	Liquor; spirits; definition of mixed spirit drink; modify, and modify eligibility for direct shipper license and retailer delivery. <i>(Sen. Wayne A. Schmidt)</i>
0017		0142	Yes	5/24/2021	5/25/2021	8/23/2021 #	Liquor; retail sales; allowing in state and out-of-state mixed spirit drink manufacturers to deliver mixed spirit drink to retailers; provide for. <i>(Sen. Winnie Brinks)</i>
0018		0143	Yes	5/24/2021	5/25/2021	8/23/2021 #	Liquor; spirits; definition of mixed spirit drink; modify. <i>(Sen. Jeremy Moss)</i>

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++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0019		0144	Yes	5/24/2021	5/25/2021	8/23/2021 #	Liquor; spirits; definition of mixed spirit drink; modify. (Sen. Curtis S. VanderWall)
0020		0049	Yes	6/3/2021	6/3/2021	6/3/2021	Liquor; permits; an on-premises tasting room and an off-premises tasting room held at same location; allow under certain conditions. (Sen. Kimberly A. LaSata)
0021	4043		No	6/8/2021	6/9/2021	3/30/2022	Mental health; other; information gathered by the electronic inpatient bed registry, require to be reported to the Michigan crisis and access line. (Rep. Mary Whiteford)
0022	4044		No	6/8/2021	6/9/2021	3/30/2022	Mental health; other; state-operated registries related to mental health; require to report data to the Michigan crisis and access line. (Rep. Mary Whiteford)
0023	4376		Yes	6/9/2021	6/9/2021	9/7/2021 #	Occupations; individual licensing and registration; waiver of licensing fees for veterans, members of the armed forces, members of the uniformed forces, and their dependents; provide for. (Rep. Andrea Schroeder)
0024	4377		Yes	6/9/2021	6/9/2021	9/7/2021	Occupations; individual licensing and registration; licensing reciprocity for certain skilled trades for veterans, members of the armed forces, members of the uniformed services, and their dependents who hold an out-of-state license; provide for. (Rep. Sarah Anthony)
0025		0157	Yes	6/9/2021	6/9/2021	9/7/2021	Health occupations; health professionals; reciprocity for veterans, members of the armed forces, members of the uniformed services, and their dependents who hold an out-of-state license or registration; provide for. (Sen. John Bizon, M.D.)
0026		0312	Yes	6/9/2021	6/9/2021	9/7/2021 #	Occupations; individual licensing and registration; licensing reciprocity for certain occupations for veterans, members of the armed forces, members of the uniformed services, and their dependents who hold an out-of-state license; provide for. (Sen. Marshall Bullock)
0027		0437	Yes	6/15/2021	6/15/2021	6/15/2021	Michigan business tax; credits; time frame for completion of certain multiphase projects; modify. (Sen. Wayne A. Schmidt)
0028	4325		No	6/15/2021	6/15/2021	3/30/2022	Senior citizens; other; criminal history check for employees, volunteers, or independent contractors of a local area agency on aging; require. (Rep. Matt Hall)

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0029	4445		No	6/15/2021	6/15/2021	3/30/2022	Liquor; licenses ; minimum number of sporting events for a motor sports license; reduce. <i>(Rep. Sarah Lightner)</i>
0030		0037	Yes	6/23/2021	6/23/2021	6/23/2021	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2020-2021. <i>(Sen. Jim Stamas)</i>
0031		0010	Yes	6/24/2021	6/24/2021	6/24/2021	Records; veterans ; veteran services boards; allow to hold closed sessions when interviewing veterans' applications for benefits. <i>(Sen. Lana Theis)</i>
0032	4040		No	6/24/2021	6/24/2021	3/30/2022	Education; occupational schools ; occupational school regulations; exempt certain apprenticeship programs. <i>(Rep. Ben Frederick)</i>
0033	4050		Yes	6/24/2021	6/24/2021	6/24/2021	Civil rights; public records ; certain data relating to location of game; exempt from freedom of information act requests. <i>(Rep. John Cherry)</i>
0034	4122		Yes	6/24/2021	6/24/2021	6/24/2021	Military affairs; other ; distribution structure of the county veteran service fund; modify. <i>(Rep. Annette Glenn)</i>
0035		0440	Yes	6/24/2021	6/24/2021	6/24/2021	Health facilities; certificate of need ; certain PET scanners; exempt from certificate of need regulations. <i>(Sen. Winnie Brinks)</i>
0036		0155	Yes	7/1/2021	7/1/2021	7/1/2021	Health; pharmaceuticals ; emergency dispensing of insulin; provide for under certain circumstances. <i>(Sen. Kevin Daley)</i>
0037		0156	Yes	7/1/2021	7/1/2021	7/1/2021 #	Insurance; health insurers ; coverage for emergency refill of prescription medication of insulin for up to a 30-day supply; provide for. <i>(Sen. Kevin Daley)</i>
0038		0256	Yes	7/1/2021	7/1/2021	7/1/2021	Sales tax; distribution ; transfer of funds from the comprehensive transportation fund into the transportation administration collection fund; provide for. <i>(Sen. Roger Victory)</i>

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0039		0438	Yes	7/1/2021	7/1/2021	7/1/2021	Criminal procedure; arrests; exception to the presumption for issuance of appearance tickets in lieu of an arrest in operating while intoxicated; provide for. <i>(Sen. Curtis S. VanderWall)</i>
0040	4055		Yes	7/1/2021	7/1/2021	7/1/2021	Higher education; financial aid; state competitive scholarships; modify. <i>(Rep. Sarah Anthony)</i>
0041	4056		Yes	7/1/2021	7/1/2021	7/1/2021	Higher education; tuition; tuition grants; modify. <i>(Rep. Scott VanSingel)</i>
0042	4540		Yes	7/1/2021	7/1/2021	7/1/2021	Law enforcement; other; transit police officers as law enforcement officers; establish. <i>(Rep. Tyrone Carter)</i>
0043	4541		Yes	7/1/2021	7/1/2021	7/1/2021	Vehicles; other; street cars; modify motor vehicle code to provide for. <i>(Rep. Graham Filler)</i>
0044	4641		Yes	7/1/2021	7/1/2021	7/1/2021	Economic development; neighborhood enterprise zones; filing of neighborhood enterprise zone certificate extension; modify. <i>(Rep. Steve Marino)</i>
0045	4123		Yes	7/1/2021	7/1/2021	7/1/2021	Water supply; systems; use of clean water assistance and safe drinking water assistance funds for energy efficiency water works projects; modify. <i>(Rep. Beth Griffin)</i>
0046	4015		No	7/1/2021	7/1/2021	3/30/2022	Consumer protection; marketing and advertising; disclosure from third-party websites conducting state business; require. <i>(Rep. Sarah Lightner)</i>
0047	4421		Yes	7/7/2021	7/7/2021	7/7/2021	Appropriations; school aid; multisection school aid supplemental for fiscal year 2021-2022; provide for. <i>(Rep. Brad Paquette)</i>
0048	4411		Yes	7/13/2021	7/13/2021	*** +	Appropriations; school aid; provide for fiscal years 2020-2021 and 2021-2022. <i>(Rep. Brad Paquette)</i>

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- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0049	4201		Yes	7/13/2021	7/13/2021	10/11/2021 #	Transportation; school vehicles; penalties for entering a school bus without authorization or impeding or obstructing a school bus; create. (Rep. Jack O'Malley)
0050	4202		Yes	7/13/2021	7/13/2021	10/11/2021 #	Transportation; school vehicles; school bus stop-arm cameras; allow. (Rep. Tyrone Carter)
0051	4203		Yes	7/13/2021	7/13/2021	10/11/2021 #	Transportation; school vehicles; allowable painting of school buses; modify. (Rep. Jewell Jones)
0052	4204		Yes	7/13/2021	7/13/2021	10/11/2021 #	Transportation; school vehicles; school bus stop-arm cameras; allow. (Rep. Greg VanWoerkom)
0053	4359		Yes	7/13/2021	7/13/2021	10/11/2021	Health occupations; nurses; scope of practice of registered professional nurse holding a specialty certification as a nurse anesthetist; modify. (Rep. Mary Whiteford)
0054	4603		Yes	7/13/2021	7/13/2021	7/13/2021	Civil rights; open meetings; circumstances permitting public meetings of certain public bodies to be held electronically by telephonic or video conferencing; modify. (Rep. Joe Bellino)
0055	4516		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; liability; sale of marihuana to an individual who is younger than 21 years of age or visibly intoxicated; prohibit, and create cause of action for harm that the individual causes. (Rep. Jim Lilly)
0056	4517		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other; definitions of marihuana and industrial hemp; modify, and require the marijuana regulatory agency to promulgate rules regarding. (Rep. Yousef Rabhi)
0057	4740		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other; certain definitions in the medical marihuana facilities licensing act; modify. (Rep. Pat Outman)
0058	4741		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other; certain definitions in the industrial hemp growers act; modify. (Rep. TC Clements)

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	HB	SB					
0059	4742		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other ; certain definitions in the marihuana tracking act; modify. (Rep. Tenisha Yancey)
0060	4743		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other ; certain definitions in the public health code; modify. (Rep. Julie Calley)
0061	4744		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other ; certain definitions in the industrial hemp research and development act; modify. (Rep. Richard Steenland)
0062	4745		Yes	7/13/2021	7/13/2021	10/11/2021	Marihuana; other ; certain definitions in the Michigan Medical Marihuana Act; modify. (Rep. Jim Lilly)
0063	4746		Yes	7/13/2021	7/13/2021	10/11/2021	Liquor; other ; definition of marihuana in the Michigan liquor control code of 1998; modify. (Rep. Roger Hauck)
0064		0559	Yes	7/13/2021	7/13/2021	7/13/2021	Liquor; other ; provisions relating to drinks to go and social districts; extend sunset. (Sen. Aric Nesbitt)
0065		0028	Yes	7/15/2021	7/15/2021	7/15/2021	Appropriations; zero budget ; supplemental appropriations; provide for multi-year supplemental. (Sen. Jim Stamas)
0066		0501	Yes	7/17/2021	7/19/2021	7/19/2021	Employment security; benefits ; applicant for unemployment benefits; require to register with a Michigan works agency, and extend work search waiver in certain circumstances. (Sen. Ken Horn)
0067		0027	Yes	7/26/2021	7/27/2021	7/27/2021	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2020-2021. (Sen. Jim Stamas)
0068		0060	Yes	7/29/2021	7/29/2021	7/29/2021	Occupations; mechanical contractors ; minimum experience requirement to take written license examination; modify. (Sen. Roger Victory)

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	HB	SB					
0069		0372	Yes	7/29/2021	7/29/2021	7/29/2021	Communications ; telecommunications; requirement for distribution of printed directory, modify. (<i>Sen. Ken Horn</i>)
0070		0459	Yes	7/29/2021	7/29/2021	7/29/2021	Economic development ; neighborhood enterprise zones; filing of neighborhood enterprise zone certificate; modify. (<i>Sen. Jeremy Moss</i>)
0071		0507	Yes	7/29/2021	7/29/2021	7/29/2021 #	Traffic control ; driver license; additional extension of renewal date for driver license or registration; provide for. (<i>Sen. Kevin Daley</i>)
0072		0508	Yes	7/29/2021	7/29/2021	7/29/2021 #	Traffic control ; driver license; additional extension of renewal date for enhanced driver licenses and enhanced state identification cards; provide for. (<i>Sen. Ruth A. Johnson</i>)
0073		0509	Yes	7/29/2021	7/29/2021	7/29/2021 #	State ; identification cards; additional extension of renewal date for state identification cards; provide for. (<i>Sen. Curtis S. VanderWall</i>)
0074	4656		No	7/29/2021	7/29/2021	3/30/2022	Courts ; circuit court; twenty-fifth circuit court; restore judgeship. (<i>Rep. Sara Cambensy</i>)
0075	4980		Yes	7/29/2021	7/29/2021	7/29/2021	Traffic control ; speed restrictions; drag racing; make prohibition of inapplicable to scramble area at Silver Lake State Park. (<i>Rep. Scott VanSingel</i>)
0076	4735		Yes	7/29/2021	7/29/2021	7/29/2021	Highways ; memorial; portion of US-127 in Clinton County; designate as the "PFC Ronald James Fitch Memorial Highway" and portion of M-10 in Eaton County; designate as the "Ensign Francis Flaherty Memorial Highway". (<i>Rep. Graham Filler</i>)
0077			No	No	7/15/2021	**	Initiated Law ; proclamation of state of emergency by governor; powers and duties; repeal.;
0078	4219		Yes	8/23/2021	8/23/2021	2/19/2022 #	Criminal procedure ; expunction; definition of first violation operating while intoxicated offense for purposes of expungement; provide for. (<i>Rep. Tenisha Yancey</i>)

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	HB	SB					
0079	4220		Yes	8/23/2021	8/23/2021	2/19/2022 #	Criminal procedure; expunction; eligibility for record expungement of operating while intoxicated convictions; allow. (Rep. Joe Bellino)
0080	4308		Yes	8/23/2021	8/23/2021	11/21/2021 #	Crimes; intoxication or impairment; blood alcohol level requirement for certain alcohol-related driving violations; eliminate sunset for .08 limit. (Rep. Abdullah Hammoud)
0081	4309		Yes	8/23/2021	8/23/2021	11/21/2021 #	Criminal procedure; sentencing guidelines; blood alcohol level requirement for certain alcohol-related driving violations; eliminate sunset for .08 limit. (Rep. Graham Filler)
0082		0400	Yes	9/10/2021	9/10/2021	3/9/2022 #	Criminal procedure; expunction; time period required to elapse before applying to expunge operating while intoxicated conviction; provide for. (Sen. Ed McBroom)
0083		0408	Yes	9/10/2021	9/10/2021	9/10/2021	Civil procedure; other; order granting new trial; provide for immediate appeal. (Sen. Roger Victory)
0084		0616	Yes	9/24/2021	9/24/2021	9/24/2021 #	Criminal procedure; sentencing guidelines; technical changes regarding eliminating sunset for .08 limit; provide for. (Sen. Roger Victory)
0085		0617	Yes	9/24/2021	9/24/2021	9/24/2021 #	Crimes; intoxication or impairment; technical changes regarding eliminating sunset for .08 limit; provide for. (Sen. Roger Victory)
0086	4400		Yes	9/29/2021	9/29/2021	9/29/2021 +	Appropriations; zero budget; higher education; community colleges; provide for fiscal year 2021-2022. (Rep. Mark Huizenga)
0087		0082	Yes	9/29/2021	9/29/2021	9/29/2021 +	Appropriations; omnibus; appropriations for multiple departments and branches; provide for fiscal year 2021-2022, and make supplemental appropriations for fiscal year 2020-2021. (Sen. Roger Victory)
0088		0048	Yes	10/7/2021	10/7/2021	10/7/2021	Highways; memorial; portion of I-94 in Berrien County; designate as the "Kevin D. White Memorial Highway". (Sen. Kimberly A. LaSata)

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	HB	SB					
0089	5094		Yes	10/7/2021	10/7/2021	10/7/2021	Crime victims; other ; statewide trauma system funding from the crime victim's rights fund; modify. <i>(Rep. Mary Whiteford)</i>
0090		0128	Yes	10/14/2021	10/15/2021	12/14/2021	Occupations; vehicles, dealers and repair facilities ; dealership requirement for hours of operation; modify. <i>(Sen. Kimberly A. LaSata)</i>
0091	5003		Yes	10/19/2021	10/20/2021	10/20/2021	Environmental protection; funding ; certain fees; extend sunset. <i>(Rep. Shri Thanedar)</i>
0092	4431		Yes	10/29/2021	10/29/2021	10/29/2021	Gaming; bingo and charitable gaming ; definition of occasion; modify. <i>(Rep. Kevin Hertel)</i>
0093	4712		Yes	10/29/2021	10/29/2021	10/29/2021	Michigan business tax; credits ; certain brownfield tax credit deadlines; extend. <i>(Rep. Ryan Berman)</i>
0094	4659		Yes	10/29/2021	10/29/2021	10/29/2021	Health; pharmaceuticals ; requirement to transmit prescriptions electronically to a pharmacy; modify under certain circumstances. <i>(Rep. Joe Bellino)</i>
0095	4087		No	10/29/2021	10/29/2021	3/30/2022	Law enforcement; state police ; emergency materials and supplies reserve; provide for. <i>(Rep. Jeff Yaroch)</i>
0096	4026		No	10/29/2021	10/29/2021	10/1/2022 #	Vehicles; registration ; issuance of 2-year recreation passport; provide for under certain circumstances. <i>(Rep. Gary Eisen)</i>
0097	4637		No	10/29/2021	10/29/2021	3/30/2022	Townships; other ; approval of township name change by township electors; require. <i>(Rep. David Martin)</i>
0098	4700		Yes	11/4/2021	11/4/2021	11/4/2021	Highways; bridges ; bridge over Cheboyganing Creek on M-13; designate as the "Sergeant Kristopher J. Gould Memorial Bridge". <i>(Rep. Timothy Beson)</i>

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	HB	SB					
0099	4739		Yes	11/4/2021	11/4/2021	11/4/2021	Highways; memorial ; portion of M-49; designate as the "Marine Sergeant Michael P. Hodshire Memorial Highway". (Rep. Andrew Fink)
0100	4832		Yes	11/4/2021	11/4/2021	11/4/2021	Highways; memorial ; portion of M-34; designate as the "Patrolman Bobby Lynn Williams Memorial Highway". (Rep. Bronna Kahle)
0101	4207		No	11/4/2021	11/4/2021	3/30/2022	Occupations; barbers ; barber apprenticeship requirements for licensure; provide for. (Rep. John Roth)
0102	4485		Yes	11/4/2021	11/4/2021	11/4/2021	Taxation; tobacco ; sunset on cap for taxes on cigars; remove. (Rep. Matt Hall)
0103	4295		Yes	11/4/2021	11/4/2021	11/4/2021	Medical marihuana; licenses ; eligibility for medical marihuana license; modify. (Rep. Julie Alexander)
0104	4364		Yes	11/4/2021	11/4/2021	12/1/2021	Traffic control; driver license ; communication impediment designation requirements; modify. (Rep. Jim Lilly)
0105	4365		Yes	11/4/2021	11/4/2021	12/1/2021	State; identification cards ; communication impediment designation requirements for state identification cards; modify. (Rep. Tim Sneller)
0106	4366		Yes	11/4/2021	11/4/2021	11/4/2021	Traffic control; driver license ; designation as an individual with a communication impediment; allow in enhanced driver license, and provide for law enforcement access. (Rep. Jim Lilly)
0107		0686	Yes	11/4/2021	11/4/2021	11/4/2021	Water supply; systems ; fees related to certification of operators of water treatment systems; extend sunset. (Sen. Sean McCann)
0108	5267		Yes	11/4/2021	11/5/2021	2/3/2022	Sales tax; exemptions ; sale of feminine hygiene products; exempt. (Rep. Bryan Posthumus)

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	HB	SB					
0109		0153	Yes	11/5/2021	11/5/2021	2/3/2022	Use tax; exemptions; sale of feminine hygiene products; exempt. <i>(Sen. Winnie Brinks)</i>
0110		0220	Yes	11/10/2021	11/10/2021	11/10/2021	Vehicles; registration; renewal of farm and wood harvester related license plates online; allow. <i>(Sen. Lana Theis)</i>
0111	4059		No	11/10/2021	11/10/2021	3/30/2022	Human services; medical services; autism evaluation review process requirements for Medicaid benefit eligibility; modify. <i>(Rep. Pauline Wendzel)</i>
0112	4117		No	11/10/2021	11/10/2021	10/1/2022 #	Vehicles; registration; 2-year vehicle registration; provide for. <i>(Rep. Steven Johnson)</i>
0113	4281		Yes	11/10/2021	11/10/2021	11/10/2021	Cities; public services; qualified city in the police and fire protection act; modify population threshold, and expand definition of qualified city to include a city that contains a qualified airport. <i>(Rep. Alex Garza)</i>
0114	4778		Yes	11/22/2021	11/22/2021	11/22/2021	State financing and management; other; state agencies using messaging apps that allow deletion of messages to avoid FOIA; prohibit. <i>(Rep. Steven Johnson)</i>
0115	4694		Yes	11/22/2021	11/22/2021	11/22/2021	Commercial code; secured transactions; references to certain forms and statements; update. <i>(Rep. Jack O'Malley)</i>
0116	4711		Yes	11/22/2021	11/22/2021	11/22/2021	Liquor; licenses; license to serve alcohol at the baseball stadiums of Eastern Michigan University and Oakland University; allow under certain conditions. <i>(Rep. Matt Hall)</i>
0117	4171		Yes	11/30/2021	11/30/2021	11/30/2021	Worker's compensation; disabilities; occupational cancer; extend presumption of causation to fire/crash rescue officers and forest fire officers. <i>(Rep. Sue Allor)</i>
0118		0683	Yes	11/30/2021	11/30/2021	11/30/2021	Juveniles; other; court jurisdiction over juveniles; modify. <i>(Sen. Michael D. MacDonald)</i>

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	HB	SB					
0119	4921		Yes	12/7/2021	12/7/2021	12/7/2021	Medical marihuana; facilities; financial statements required to be submitted by facilities; modify due date. (Rep. Roger Hauck)
0120		0025	Yes	12/7/2021	12/7/2021	12/7/2021	Individual income tax; deductions; student loan forgiveness for disabled veterans under the total and permanent disability discharge program; provide for. (Sen. Tom Barrett)
0121		0245	No	12/16/2021	12/17/2021	3/30/2022 #	Counties; charter; county board of commissioners; provide for 4-year terms. (Sen. Jeremy Moss)
0122		0242	No	12/16/2021	12/17/2021	3/30/2022 #	Counties; boards and commissions; county board of commissioners; provide for 4-year terms. (Sen. Ed McBroom)
0123		0494	Yes	12/16/2021	12/17/2021	12/17/2021	Agriculture; other; certain reporting requirements for environmental assurance advisory council and funding and standards for the MAEAP; modify, and extend water quality protection fee sunset. (Sen. Kevin Daley)
0124		0674	Yes	12/16/2021	12/17/2021	12/17/2021	Transportation; motor fuel tax; rate increase on certain previously-taxed motor fuel; repeal. (Sen. Aric Nesbitt)
0125		0103	Yes	12/16/2021	12/17/2021	12/17/2021	Public utilities; electric utilities; rights of electric transmission companies; provide for. (Sen. Wayne A. Schmidt)
0126	5026		Yes	12/16/2021	12/17/2021	12/17/2021	Communications; emergency 9-1-1; emergency 9-1-1 service enabling act; modify. (Rep. Julie Calley)
0127	4247		Yes	12/16/2021	12/17/2021	12/17/2021	Higher education; financial aid; tuition assistance benefits for certain survivors of Michigan police officers and Michigan fire fighters killed in the line of duty; modify. (Rep. Matt Koleszar)
0128	4521		No	12/16/2021	12/17/2021	3/30/2022	Health; other; HIV positive organ donations; allow when recipient is HIV positive. (Rep. Felicia Brabec)

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	HB	SB					
0129	4172		Yes	12/16/2021	12/17/2021	12/17/2021	Worker's compensation; disabilities; certain occupational diseases; extend presumption of causation to part-time, paid on-call, and volunteer firefighters. (Rep. Jeff Yaroch)
0130	5072		Yes	12/16/2021	12/17/2021	12/17/2021	Health; pharmaceuticals; requirements for licensure of a pharmacy as a wholesale distributor; modify. (Rep. Ryan Berman)
0131	4861		Yes	12/16/2021	12/17/2021	12/17/2021	Transportation; school vehicles; provision related to school bus drivers; update. (Rep. Jack O'Malley)
0132		0085	Yes	12/20/2021	12/21/2021	12/21/2021	Appropriations; supplemental; multi-department supplemental appropriations; provide for fiscal year 2021-2022. (Sen. Ken Horn)
0133	4398		Yes	12/20/2021	12/21/2021	12/21/2021	Appropriations; zero budget; general government; provide for fiscal year 2021-2022. (Rep. Greg VanWoerkom)
0134	5603		Yes	12/20/2021	12/21/2021	12/27/2021 #	Economic development; Michigan strategic fund; Michigan strategic site readiness program; create. (Rep. Julie Calley)
0135	5376		Yes	12/20/2021	12/21/2021	12/21/2021	Corporate income tax; flow-through entities; entity flow-through tax; provide for. (Rep. Mark Tisdell)
0136		0771	Yes	12/20/2021	12/21/2021	12/27/2021 #	Appropriations; Michigan strategic fund; critical industry fund; create. (Sen. Roger Victory)
0137		0769	Yes	12/20/2021	12/21/2021	12/27/2021 #	Economic development; other; strategic outreach and attraction reserve fund; create. (Sen. Kimberly A. LaSata)
0138		0671	Yes	12/23/2021	12/27/2021	12/27/2021	Economic development; brownfield redevelopment authority; eligibility criteria for transformational brownfield plans; modify. (Sen. Ken Horn)

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	HB	SB					
0139	4780		Yes	12/23/2021	12/27/2021	3/27/2022 #	Trade; containers; distribution of bottle deposit fund; modify and earmark. (Rep. Mike Mueller)
0140	4781		Yes	12/23/2021	12/27/2021	3/27/2022 #	Trade; containers; distributors to originate and maintain a record of deposits on certain containers; require. (Rep. Andrew Fink)
0141	4782		Yes	12/23/2021	12/27/2021	3/27/2022 #	Criminal procedure; sentencing guidelines; sentencing guidelines for failure to originate and maintain record of deposits on certain containers with intent to defraud or cheat; create. (Rep. Tim Sneller)
0142	4783		Yes	12/23/2021	12/27/2021	3/27/2022 #	Trade; containers; penalties for failure to originate and maintain record of deposits on certain containers with the intent to defraud or cheat; establish. (Rep. Tyrone Carter)
0143	4082		Yes	12/23/2021	12/27/2021	12/27/2021 #	Appropriations; grants and transfers; state administrative board limitations; modify. (Rep. Ben Frederick)
0144	4282		Yes	12/23/2021	12/27/2021	12/27/2021	Elections; filing fees; candidate filing fee in lieu of nominating petitions for the office of state senator or state representative; make nonrefundable. (Rep. Julie Calley)
0145	4283		Yes	12/23/2021	12/27/2021	12/27/2021	Elections; filing fees; candidate filing fee in lieu of nominating petitions for the office of county commissioner; make nonrefundable. (Rep. Terry Sabo)
0146	4284		Yes	12/23/2021	12/27/2021	12/27/2021	Elections; filing fees; candidate filing fee in lieu of nominating petitions for county offices; make nonrefundable. (Rep. Matt Koleszar)
0147	4285		Yes	12/23/2021	12/27/2021	12/27/2021	Elections; filing fees; candidate filing fee in lieu of nominating petitions for township offices; make nonrefundable. (Rep. Ann Bollin)
0148	4787		Yes	12/23/2021	12/27/2021	12/27/2021	Traffic control; driver license; waiver of knowledge test for an individual with military commercial motor vehicle experience; provide for. (Rep. Gregory Markkanen)

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	HB	SB					
0149	4294		Yes	12/23/2021	12/27/2021	12/27/2021	Education ; teachers; exception for college credit requirements for an individual to serve as a substitute teacher; provide for. <i>(Rep. Brad Paquette)</i>
0150	5351		No	12/23/2021	12/27/2021	12/31/2022	Property tax ; exemptions; small business personal property tax exemption; modify. <i>(Rep. Steven Johnson)</i>
0151	5447		No	12/23/2021	12/27/2021	3/30/2022 #	Businesses ; business corporations; protection of corporate names; include historically black colleges and universities. <i>(Rep. Joe Tate)</i>
0152	5448		No	12/23/2021	12/27/2021	3/30/2022 #	Businesses ; business corporations; educational corporation; allow to reopen under certain conditions. <i>(Rep. Pamela Hornberger)</i>
0153	5502		Yes	12/23/2021	12/27/2021	12/27/2021 #	Property tax ; exemptions; filing for eligible manufacturing personal property tax exemptions; modify. <i>(Rep. Mark Tisdell)</i>
0154	5503		Yes	12/23/2021	12/27/2021	12/27/2021 #	Property tax ; exemptions; filing for eligible manufacturing personal property tax exemptions; modify. <i>(Rep. Diana Farrington)</i>
0155	5504		Yes	12/23/2021	12/27/2021	12/27/2021 #	Property tax ; state essential services assessment; state essential services assessment; modify. <i>(Rep. Julie Calley)</i>
0156	5505		Yes	12/23/2021	12/27/2021	12/27/2021 #	Property tax ; state essential services assessment; alternative state essential services assessment; modify. <i>(Rep. Mary Cavanagh)</i>
0157	5506		Yes	12/23/2021	12/27/2021	12/27/2021	Taxation ; other; eligibility for certain industrial facilities exemption certificates; modify. <i>(Rep. Jim Ellison)</i>
0158		0212	Yes	12/23/2021	12/27/2021	12/27/2021	Elections ; candidates; affidavit of identity; expand, and clarify requirements. <i>(Sen. Ruth A. Johnson)</i>

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0159		0213	No	12/23/2021	12/27/2021	3/30/2022	Human services; long-term care; duties of the long-term care ombudsman; modify during a declared emergency. <i>(Sen. Kimberly A. LaSata)</i>
0160		0461	No	12/23/2021	12/27/2021	3/30/2022 #	Medical marihuana; licenses; proof of financial responsibility criteria; modify. <i>(Sen. Curtis S. VanderWall)</i>
0161		0462	No	12/23/2021	12/27/2021	3/30/2022 #	Medical marihuana; licenses; approval of an application for a state license; make contingent upon licensee's compliance with financial responsibility requirements. <i>(Sen. Paul Wojno)</i>
0162		0637	Yes	12/23/2021	12/27/2021	12/27/2021 #	Mental health; other; community crisis response grant fund and program; create. <i>(Sen. Stephanie Chang)</i>
0163		0638	Yes	12/23/2021	12/27/2021	12/27/2021 #	Mental health; other; behavioral health jail diversion program; create. <i>(Sen. Rick Outman)</i>
0164		0698	Yes	12/23/2021	12/27/2021	12/27/2021	Property tax; personal property; assessment situs of personal property relocated due to the COVID-19 pandemic; provide for. <i>(Sen. Jim Runestad)</i>
0165		0723	Yes	12/23/2021	12/27/2021	12/27/2021	Economic development; neighborhood enterprise zones; filing of neighborhood enterprise zone certificate; modify. <i>(Sen. Ken Horn)</i>
0166		0728	Yes	12/23/2021	12/27/2021	12/27/2021	Civil rights; open meetings; open meetings of the independent citizens redistricting commission; require. <i>(Sen. Ed McBroom)</i>
0167		0759	Yes	12/23/2021	12/27/2021	12/27/2021	Health occupations; health professionals; exemption from licensure for individuals who hold an out-of-state license; provide for during epidemic-related staffing shortages. <i>(Sen. Curtis S. VanderWall)</i>
0168		0764	Yes	12/23/2021	12/27/2021	12/27/2021	Individual income tax; income; deduction for certain wagering losses; provide for. <i>(Sen. Curtis Hertel, Jr.)</i>

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
Veto	4049		No	No		3/9/2021	Health; diseases; authority to close certain schools to in-person instruction and prohibit certain sporting events in emergency orders issued in response to an epidemic; modify. (Rep. Pamela Hornberger)
Veto		0001	No	No		3/24/2021	Health; diseases; time limits on emergency orders issued in response to an epidemic; provide for unless extension is approved by the legislature and require emergency order to include certain information. (Sen. Lana Theis)
Veto		0029	No	No		3/26/2021	Appropriations; supplemental; supplemental appropriations for 2019-2020 and 2020-2021; provide for. (Sen. Jim Stamas)
Veto		0114	No	No		3/26/2021	Appropriations; zero budget; multidepartment supplemental appropriations; provide for fiscal year 2020-2021. (Sen. Jim Stamas)
Veto	4210		No	No		4/14/2021 #	Property tax; utility property; eligible broadband equipment; exempt from certain taxes. (Rep. Beth Griffin)
Veto		0046	No	No		5/13/2021	Property tax; exemptions; eligible broadband equipment; exempt from personal property tax. (Sen. Aric Nesbitt)
Veto		0017	No	No		5/19/2021	Public employees and officers; other; 1968 PA317 regarding contracts of public servants with public entities; modify certain population thresholds. (Sen. Dale W. Zorn)
Veto	4448		No	No		6/3/2021	State financing and management; other; suspension of freedom of information act requests in an executive order under the emergency management act; prohibit. (Rep. Steven Johnson)
Veto	4728		No	No		6/3/2021	Health; diseases; exemption for high school commencement ceremonies from emergency orders issued to control an epidemic; provide for under certain circumstances. (Rep. Ann Bollin)
Veto	4224		No	No		6/25/2021	Sales tax; exemptions; exemption for certain personal protective equipment; provide for. (Rep. Jim Lilly)

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	HB	SB					
Veto	4225		No	No		6/25/2021	Use tax; exemptions; exemption for certain personal protective equipment; provide for. (Rep. Sarah Anthony)
Veto	4945		No	No		7/1/2021	Education; alternative; operation of a strict discipline academy; modify. (Rep. Pamela Hornberger)
Veto	4288		No	No		7/13/2021	Corporate income tax; flow-through entities; entity flow-through tax; provide for. (Rep. Mark Tisdell)
Veto	4434		No	No		7/20/2021	Employment security; administration; plain language; require the unemployment agency to use in communications and determinations. (Rep. Jeff Yaroch)
Veto	4061		No	No		9/10/2021	Law enforcement; communications; restrictions for use of the emergency alert system; provide for. (Rep. Bradley Slagh)
Veto	4272		No	No		9/10/2021	Environmental protection; other; gas cans manufactured in Michigan; provide for labeling of and declare not part of interstate commerce. (Rep. Steven Johnson)
Veto	4063		No	No		9/16/2021	Labor; youth employment; parent or legal guardian of a minor being educated at the minor's home; allow to issue a work permit for the minor. (Rep. John Reilly)
Veto	4492		No	No		10/3/2021	Elections; polling places; polling place locations; expand. (Rep. Ann Bollin)
Veto	4528		No	No		10/3/2021	Elections; challengers; training requirements for election challengers; provide for, and provide for comprehensive election challenger training for county clerks, political parties, and other organizations. (Rep. Bryan Posthumus)
Veto	4837		No	No		10/3/2021	Elections; qualified voter file; access to qualified voter file; clarify. (Rep. Sarah Lightner)

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	HB	SB					
Veto	4838		No	No		10/3/2021	Elections; voting equipment ; prohibiting connection of the electronic voting system and electronic poll book to the internet on election day, provide for. (Rep. Phil Green)
Veto	4088		No	No		10/7/2021	Natural resources; other ; wildlife feeding; allow under certain conditions. (Rep. Ken Borton)
Veto		0277	No	No		10/15/2021	Elections; election officials ; county clerks to update the qualified voter file to cancel the voter registration records of deceased voters; require, require electronic notification to city and township clerks of canceled voter registration records, and require the secretary of state to post data on the department's website regarding canceled voter registration records. (Sen. Michael D. MacDonald)
Veto		0280	No	No		10/15/2021	Elections; initiative and referendum ; time frame for the board of state canvassers to complete the canvass of an initiative petition; provide for and clarify. (Sen. Ruth A. Johnson)
Veto		0303	No	No		10/29/2021	Elections; voting procedures ; provisional ballot process; modify, require providing identification to obtain an absent voter ballot, prohibit the sending of unsolicited absent voter ballot applications to electors, and require elections to be funded with public money. (Sen. Tom Barrett)
Veto		0304	No	No		10/29/2021 #	Elections; election officials ; notice to a voter who votes a provisional ballot concerning the burden of proof to verify his or her identity to have the provisional ballot tabulated and his or her ability to obtain an official state personal identification card without a fee; require. (Sen. Curtis S. VanderWall)
Veto	5007		No	No		10/29/2021 #	State; identification cards ; removal of certain fees for issuing an original or renewal official state personal identification card; provide for. (Rep. Ryan Berman)
Veto	5404		No	No		11/5/2021	Education; other ; student opportunity scholarship accounts; create. (Rep. Bryan Posthumus)
Veto	5405		No	No		11/5/2021 #	Individual income tax; credit ; credit for contributions to scholarship-granting organizations and deduction of funds distributed to student opportunity scholarship accounts; provide for. (Rep. Phil Green)
Veto	4066		No	No		11/5/2021	Weapons; concealed ; local government restrictions on usage, concealment, and transportation of knives; prohibit. (Rep. Andrew Fink)

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	HB	SB					
Veto		0687	No	No		11/5/2021	Education; other ; student opportunity scholarship accounts; create. <i>(Sen. Lana Theis)</i>
Veto		0688	No	No		11/5/2021 #	Individual income tax; credit ; credit for contributions to scholarship-granting organizations and deduction of funds distributed to student opportunity scholarship accounts; provide for. <i>(Sen. Tom Barrett)</i>
Veto	4501		No	No		11/11/2021	Labor; health and safety ; reimbursement of fines issued under executive orders; require under certain circumstances. <i>(Rep. Timothy Beson)</i>
Veto	4305		No	No		11/30/2021	Campaign finance; campaign practices ; requirement to report the number of people in attendance at a campaign fundraiser; eliminate. <i>(Rep. Steven Johnson)</i>
Veto	5259		No	No		11/30/2021	Courts; judges ; number of judges in Ottawa County; modify. <i>(Rep. Luke Meerman)</i>
Veto	4257		No	No		12/23/2021	State agencies (existing); executive office ; contents and reporting of certain memoranda of understanding; modify. <i>(Rep. Steven Johnson)</i>

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