

Act No. 232
Public Acts of 2001
Approved by the Governor
January 3, 2002
Filed with the Secretary of State
January 3, 2002
EFFECTIVE DATE: January 3, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Reps. DeWeese, George, Howell, Julian, Richardville, Stewart, Woronchak, Basham, Raczkowski, Scranton, Patterson, Ehardt, Jelinek, Voorhees, Shulman, Plakas, Shackleton, Anderson, Vear, Hummel, Stamas, Kuipers, Vander Veen, Pappageorge, Middaugh, Meyer, Gilbert, Allen, Kowall, Van Woerkom, Kooiman, Cassis, DeVuyst, Pumford, Cameron Brown, Sanborn, Birkholz, Faunce and Neumann

ENROLLED HOUSE BILL No. 5261

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16315 (MCL 333.16315), as added by 1993 PA 138.

The People of the State of Michigan enact:

Sec. 16315. (1) The health professions regulatory fund is established in the state treasury. Except as otherwise provided in this section, the state treasurer shall credit the fees collected under sections 16319 to 16349 to the health professions regulatory fund. The money in the health professions regulatory fund shall be expended only as provided in subsection (5).

(2) The state treasurer shall direct the investment of the health professions regulatory fund. Interest and earnings from health professions regulatory fund investment shall be credited to the health professions regulatory fund.

(3) The unencumbered balance in the health professions regulatory fund at the close of the fiscal year shall remain in the health professions regulatory fund and shall not revert to the general fund.

(4) The health professions regulatory fund may receive gifts and devises and other money as provided by law.

(5) The department of consumer and industry services shall use the health professions regulatory fund only to carry out its powers and duties under this article and article 7 including, but not limited to, reimbursing the department of attorney general for the reasonable cost of services provided to the department of consumer and industry services under this article and article 7.

(6) The nurse professional fund is established in the state treasury. Of the money that is attributable to per-year license fees collected under section 16327, the state treasurer shall credit \$2.00 of each individual annual license fee collected to the nurse professional fund. The money in the nurse professional fund shall be expended only as provided in subsection (9).

(7) The state treasurer shall direct the investment of the nurse professional fund, and shall credit interest and earnings from the investment to the nurse professional fund. The nurse professional fund may receive gifts and devises and other money as provided by law.

(8) The unencumbered balance in the nurse professional fund at the close of the fiscal year shall remain in the nurse professional fund and shall not revert to the general fund.

(9) The department of consumer and industry services shall use the nurse professional fund each fiscal year only as follows:

(a) The department may use not more than 1/3 of the nurse professional fund for the establishment and operation of a nurse continuing education program.

(b) The department may use not more than 1/3 of the nurse professional fund to perform research and development studies to promote and advance the nursing profession.

(c) The department shall use not less than 1/3 of the nurse professional fund to establish and operate a nursing scholarship program.

(10) The official prescription form program fund established by the amendatory act that added this section is abolished. The money remaining in the official prescription form program fund on the effective date of the amendatory act that added subsection (11) shall be transferred by the state treasurer to the pain management education and controlled substances electronic monitoring and antidiversion fund created in subsection (11).

(11) The pain management education and controlled substances electronic monitoring and antidiversion fund is established in the state treasury.

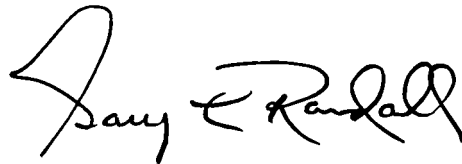
(12) The state treasurer shall direct the investment of the pain management education and controlled substances electronic monitoring and antidiversion fund. Interest and earnings from investment of the pain management education and controlled substances electronic monitoring and antidiversion fund shall be credited to the pain management education and controlled substances electronic monitoring and antidiversion fund.

(13) The unencumbered balance in the pain management education and controlled substances electronic monitoring and antidiversion fund at the close of the fiscal year shall remain in the pain management education and controlled substances electronic monitoring and antidiversion fund and shall not revert to the general fund. The pain management education and controlled substances electronic monitoring and antidiversion fund may receive gifts and devises and other money as provided by law. Twenty dollars of the license fee received by the department of consumer and industry services under section 16319 shall be deposited with the state treasurer to the credit of the pain management education and controlled substances electronic monitoring and antidiversion fund. The department shall use the pain management education and controlled substances electronic monitoring and antidiversion fund only in connection with programs relating to pain management education for health professionals, preventing the diversion of controlled substances, and development and maintenance of the electronic monitoring system for controlled substances data required by section 7333a.

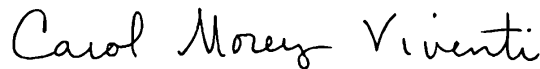
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 91st Legislature are enacted into law:

- (a) Senate Bill No. 827.
- (b) House Bill No. 5260.
- (c) House Bill No. 5262.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.