

HOUSE BILL No. 4081

February 2, 1989, Introduced by Reps. Profit, Bartnik, Gagliardi, Bennane, Hood, Murphy, Rocca, Gubow, Martin, Hunter, Honigman, Pridnia, Richard A. Young, Kilpatrick, Palamara, DeMars, Munsell, Law, Hoffman, Clack, Dolan, Stabenow, Berman, Runco and Kosteva and referred to the Committee on Judiciary.

A bill to amend section 17766 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

being section 333.17766 of the Michigan Compiled Laws; and to add section 17766a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 17766 of Act No. 368 of the Public Acts
2 of 1978, being section 333.17766 of the Michigan Compiled Laws,
3 is amended and section 17766a is added to read as follows:

4 Sec. 17766. ~~A~~ EXCEPT AS PROVIDED IN SECTION 17766A, A
5 person WHO DOES ANY OF THE FOLLOWING is guilty of a misdemeanor:
6 ~~who:~~

7 (a) Obtains or attempts to obtain a prescription drug by
8 giving a false ~~or fictitious~~ name to a pharmacist or other
9 authorized seller, prescriber, or dispenser.

1 (b) ~~Falsely represents himself or herself to be~~ OBTAINS OR
2 ATTEMPTS TO OBTAIN A PRESCRIPTION DRUG BY FALSELY REPRESENTING
3 THAT HE OR SHE IS a lawful prescriber, dispenser, or licensee, or
4 acting on behalf of ~~any of them, obtains a prescription drug~~ A
5 LAWFUL PRESCRIBER, DISPENSER, OR LICENSEE.

6 (c) Falsely makes, utters, publishes, passes, alters, or
7 forges a prescription.

8 (d) Knowingly possesses a false, ~~fictitious,~~ forged, or
9 altered prescription.

10 (e) Knowingly attempts to obtain, obtains, or possesses a
11 drug by means of a prescription for other than a legitimate ther-
12 apeutic purpose, or as a result of a false, ~~fictitious,~~ forged,
13 or altered prescription.

14 (f) Possesses or controls for the purpose of resale, or
15 sells, offers to sell, dispenses, or gives away, a drug, pharma-
16 ceutical preparation, or chemical ~~which~~ THAT has been dispensed
17 on prescription and has left the control of a pharmacist, or THAT
18 has been damaged ~~or subjected to damage~~ by heat, smoke, fire,
19 water, or other cause and ~~which~~ is unfit for human or animal
20 use.

21 (g) Prepares or permits the preparation of A prescription
22 ~~drugs~~ DRUG, except as delegated by a pharmacist.

23 (h) Sells ~~at auction drugs~~ A DRUG in bulk or in ~~open~~
24 ~~packages~~ AN OPEN PACKAGE AT AUCTION, unless the sale has been
25 approved in accordance with rules of the board.

26 SEC. 17766A. (1) A DISPENSING PRESCRIBER SHALL NOT
27 KNOWINGLY DISPENSE AN ANABOLIC STEROID, OR CHLORIONIC

1 GONADOTROPIN, TO ANY PERSON FOR OTHER THAN LEGITIMATE AND
2 PROFESSIONALLY RECOGNIZED THERAPEUTIC OR SCIENTIFIC PURPOSES. A
3 PERSON WHO VIOLATES THIS SUBSECTION BY KNOWINGLY DISPENSING AN
4 ANABOLIC STEROID OR CHLORIONIC GONADOTROPIN TO A PERSON 18 YEARS
5 OF AGE OR OLDER IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT
6 FOR NOT MORE THAN 4 YEARS, OR BY A FINE OF NOT MORE THAN
7 \$5,000.00, OR BOTH. A PERSON WHO VIOLATES THIS SUBSECTION BY
8 KNOWINGLY DISPENSING AN ANABOLIC STEROID OR CHLORIONIC GONADOTRO-
9 PIN TO A PERSON UNDER 18 YEARS OF AGE IS GUILTY OF A FELONY, PUN-
10 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 7 YEARS, OR BY A FINE
11 OF NOT MORE THAN \$10,000.00, OR BOTH.

12 (2) A PERSON SHALL NOT KNOWINGLY DISTRIBUTE, OR POSSESS WITH
13 INTENT TO DISTRIBUTE, AN ANABOLIC STEROID, OR CHLORIONIC GONADO-
14 TROPIN, TO ANY PERSON EXCEPT PURSUANT TO THE LAWFUL PRESCRIPTION
15 OF A PRACTITIONER. A PERSON WHO VIOLATES THIS SUBSECTION BY
16 KNOWINGLY DISTRIBUTING, OR POSSESSING WITH INTENT TO DISTRIBUTE,
17 AN ANABOLIC STEROID OR CHLORIONIC GONADOTROPIN TO A PERSON 18
18 YEARS OF AGE OR OLDER IS GUILTY OF A FELONY, PUNISHABLE BY
19 IMPRISONMENT FOR NOT MORE THAN 4 YEARS, OR BY A FINE OF NOT MORE
20 THAN \$5,000.00, OR BOTH. A PERSON WHO VIOLATES THIS SUBSECTION
21 BY KNOWINGLY DISTRIBUTING, OR POSSESSING WITH INTENT TO DISTRIB-
22 UTE, AN ANABOLIC STEROID OR CHLORIONIC GONADOTROPIN TO A PERSON
23 UNDER 18 YEARS OF AGE IS GUILTY OF A FELONY, PUNISHABLE BY
24 IMPRISONMENT FOR NOT MORE THAN 7 YEARS, OR BY A FINE OF NOT MORE
25 THAN \$10,000.00, OR BOTH.

26 (3) A PERSON SHALL NOT KNOWINGLY POSSESS OR USE AN ANABOLIC
27 STEROID, OR CHLORIONIC GONADOTROPIN, EXCEPT PURSUANT TO THE

1 LAWFUL PRESCRIPTION OF A PRACTITIONER. A PERSON WHO VIOLATES
2 THIS SUBSECTION IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT
3 FOR NOT MORE THAN 2 YEARS, OR BY A FINE OF NOT MORE THAN
4 \$2,000.00, OR BOTH.

5 (4) AS USED IN THIS SECTION, "ANABOLIC STEROID" MEANS A HOR-
6 MONE DESIGNED OR INTENDED TO BE USED TO INCREASE THE CONSTRUCTIVE
7 METABOLISM OF A HUMAN BEING OR ANIMAL. ANABOLIC STEROID
8 INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING:

9 (A) DEHYDROCHLORMETHYLTESTOSTERONE.

10 (B) ETHYLESTRENOL.

11 (C) FLUOXYMESTERONE.

12 (D) MESTEROLONE.

13 (E) METHANDIENONE.

14 (F) METHANDROSTENOLONE.

15 (G) METHENOLONE.

16 (H) METHYLTESTOSTERONE.

17 (I) NANDROLONE.

18 (J) NANDROLONE DECONOATE.

19 (K) NORETHANDROLONE.

20 (L) OXANDROLONE.

21 (M) OXYMESTERONE.

22 (N) OXYMETHOLONE.

23 (O) STANZOLOL.

24 (P) TESTOSTERONE.

25 (Q) TESTOSTERONE PROPIONATE.