

# SENATE BILL No. 440

April 28, 2005, Introduced by Senators SCHAUER, BASHAM, SCOTT and LELAND and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 17766b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 17766B. (1) EXCEPT AS OTHERWISE PROVIDED UNDER THIS  
2 SECTION, A PERSON WHO POSSESSES EPHEDRINE OR PSEUDOEPHEDRINE FOR  
3 RETAIL SALE PURSUANT TO A LICENSE ISSUED UNDER THE GENERAL SALES  
4 TAX ACT, 1933 PA 167, MCL 205.51 TO 205.78, SHALL DO EACH OF THE  
5 FOLLOWING:

6           (A) MAINTAIN ALL PRODUCTS THAT CONTAIN ANY COMPOUND, MIXTURE,  
7 OR PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF EPHEDRINE OR  
8 PSEUDOEPHEDRINE, A SALT OR OPTICAL ISOMER OF EPHEDRINE OR

1 PSEUDOEPHEDRINE, OR A SALT OF AN OPTICAL ISOMER OF EPHEDRINE OR  
2 PSEUDOEPHEDRINE BEHIND A COUNTER WHERE THE PUBLIC IS NOT PERMITTED  
3 EVEN IF THE PRODUCT MAY BE LAWFULLY SOLD OVER THE COUNTER WITHOUT A  
4 PRESCRIPTION UNDER FEDERAL LAW.

5 (B) REQUIRE THE PURCHASER OF A PRODUCT DESCRIBED UNDER  
6 SUBDIVISION (A) TO PRODUCE A VALID PHOTO IDENTIFICATION THAT  
7 INCLUDES THE INDIVIDUAL'S NAME AND DATE OF BIRTH AND RECORD THE  
8 SAME IN A WRITTEN LOG ALONG WITH THE DATE OF THE TRANSACTION AND A  
9 DESCRIPTION OF THE PRODUCT AND THE AMOUNT PURCHASED.

10 (2) THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:

11 (A) A PEDIATRIC PRODUCT PRIMARILY INTENDED FOR ADMINISTRATION  
12 TO CHILDREN UNDER 12 YEARS OF AGE ACCORDING TO LABEL INSTRUCTIONS.

13 (B) A PRODUCT THAT THE STATE BOARD OF PHARMACY, UPON  
14 APPLICATION OF A MANUFACTURER, EXEMPTS FROM THIS SECTION BECAUSE  
15 THE PRODUCT HAS BEEN FORMULATED IN SUCH A WAY AS TO EFFECTIVELY  
16 PREVENT THE CONVERSION OF THE ACTIVE INGREDIENT INTO  
17 METHAMPHETAMINE.

18 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
19 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR  
20 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

21 (4) A PERSON WHO FURNISHES FRAUDULENT IDENTIFICATION TO  
22 PURCHASE A PRODUCT DESCRIBED UNDER SUBSECTION (1) (A) IS GUILTY OF A  
23 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR  
24 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.