

SENATE BILL No. 65

January 27, 2009, Introduced by Senators JACOBS and SWITALSKI and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7457 (MCL 333.7457), as amended by 2006 PA 458, and by adding section 7458.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7457. Sections 7451 to 7455 do not apply to any of the
2 following:

3 (a) An object sold or offered for sale to a person licensed
4 under article 15 or under the occupational code, 1980 PA 299, MCL
5 339.101 to ~~339.2721~~ **339.2919**, or any intern, trainee, apprentice,
6 or assistant in a profession licensed under article 15 or under the
7 occupational code, 1980 PA 299, MCL 339.101 to ~~339.2721~~ **339.2919**,
8 for use in that profession.

1 (b) An object sold or offered for sale to any hospital,
2 sanitarium, clinical laboratory, or other health care institution
3 including a penal, correctional, or juvenile detention facility for
4 use in that institution.

5 (c) An object sold or offered for sale to a dealer in medical,
6 dental, surgical, or pharmaceutical supplies.

7 (d) A blender, bowl, container, spoon, or mixing device not
8 specifically designed for a use described in section 7451.

9 (e) A hypodermic syringe or needle sold or offered for sale
10 for the purpose of injecting or otherwise treating livestock or
11 other animals.

12 (f) An object sold, offered for sale, or given away by a state
13 or local governmental agency or by a person specifically authorized
14 by a state or local governmental agency to prevent the transmission
15 of infectious agents.

16 (G) AN OBJECT SOLD, OFFERED FOR SALE, OR GIVEN AWAY IN
17 CONNECTION WITH THE PERFORMANCE OF A LICENSED SUBSTANCE ABUSE
18 TREATMENT AND REHABILITATION SERVICE, A LICENSED PREVENTION
19 SERVICE, AN APPROVED SERVICE PROGRAM, OR AN EMERGENCY MEDICAL
20 SERVICE AUTHORIZED, PROVIDED, OR ASSISTED UNDER ARTICLE 6.

21 SEC. 7458. A LOCAL GOVERNMENTAL UNIT SHALL NOT ENACT OR
22 ENFORCE AN ORDINANCE THAT PROHIBITS THE POSSESSION OF DRUG
23 PARAPHERNALIA BY ANY OF THE FOLLOWING:

24 (A) ANY OF THE FOLLOWING WHO ARE ACTING IN THE NORMAL LEGAL
25 COURSE OF THEIR RESPECTIVE BUSINESS OR PROFESSION:

26 (i) A MANUFACTURER, AS DEFINED IN SECTION 17706.

27 (ii) A WHOLESALE DISTRIBUTOR, AS DEFINED IN SECTION 17709.

1 (iii) A PRACTITIONER OR AN INDIVIDUAL ACTING UNDER THE
2 DELEGATORY AUTHORITY OF A PRACTITIONER.

3 (iv) A HOLDER OF A LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE
4 UNDER ARTICLE 18 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL
5 339.1801 TO 339.1812.

6 (B) AN INDIVIDUAL WHO SUFFERS FROM DIABETES, ASTHMA, OR ANY
7 OTHER MEDICAL CONDITION THAT REQUIRES SELF-INJECTION.

8 (C) AN INDIVIDUAL WHO IS EMPLOYED BY A LICENSED SUBSTANCE
9 ABUSE TREATMENT AND REHABILITATION SERVICE, A LICENSED PREVENTION
10 SERVICE, AN APPROVED SERVICE PROGRAM, OR AN EMERGENCY MEDICAL
11 SERVICE AUTHORIZED, PROVIDED, OR ASSISTED UNDER ARTICLE 6 AND WHO
12 IS ACTING IN THE NORMAL LEGAL COURSE OF PROVIDING THOSE SERVICES.