

# HOUSE BILL No. 5363

February 26, 2014, Introduced by Rep. Price and referred to the Committee on Criminal Justice.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766c (MCL 333.17766c), as amended by 2011 PA 86.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 17766c. (1) A person shall not do any of the following:

2       (a) Purchase more than 3.6 grams of ephedrine or  
3 pseudoephedrine alone or in a mixture within a single calendar day.

4       (b) Purchase more than 9 grams of ephedrine or pseudoephedrine  
5 alone or in a mixture within a 30-day period.

6       (c) Possess more than 12 grams of ephedrine or pseudoephedrine  
7 alone or in a mixture.

8       (D) PURCHASE OR POSSESS ANY AMOUNT OF EPHEDRINE OR  
9 PSEUDOEPHEDRINE KNOWING OR HAVING REASON TO KNOW THAT IT IS TO BE

1 **USED TO MANUFACTURE METHAMPHETAMINE.**

2 (2) A person who violates this section is guilty of a crime as  
3 follows:

4 (a) A person who violates subsection (1)(a) or (b) is guilty  
5 of a misdemeanor punishable by imprisonment for not more than 93  
6 days or a fine of not more than \$500.00, or both.

7 (b) A person who violates subsection (1)(c) is guilty of a  
8 felony punishable by imprisonment for not more than 2 years or a  
9 fine of not more than \$2,000.00, or both.

10 **(C) A PERSON WHO VIOLATES SUBSECTION (1)(D) IS GUILTY OF A**  
11 **FELONY AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN 1**  
12 **YEAR OR MORE THAN 20 YEARS AND, IN ADDITION, MAY BE FINED NOT MORE**  
13 **THAN \$10,000.00. THIS SUBDIVISION DOES NOT PROHIBIT THE PERSON FROM**  
14 **BEING CHARGED WITH, CONVICTED OF, AND SENTENCED FOR ANY OTHER**  
15 **VIOLATION OF LAW ARISING OUT OF THE VIOLATION OF THIS SUBDIVISION.**

16 (3) This section does not apply to any of the following:

17 (a) A person who possesses ephedrine or pseudoephedrine  
18 pursuant to a license issued by this state or the United States to  
19 manufacture, deliver, dispense, possess with intent to manufacture  
20 or deliver, or possess a controlled substance, prescription drug,  
21 or other drug.

22 (b) An individual who possesses ephedrine or pseudoephedrine  
23 pursuant to a prescription.

24 (c) A person who possesses ephedrine or pseudoephedrine for  
25 retail sale pursuant to a license issued under the general sales  
26 tax act, 1933 PA 167, MCL 205.51 to 205.78.

27 (d) A person who possesses ephedrine or pseudoephedrine in the

1 course of his or her business of selling or transporting ephedrine  
2 or pseudoephedrine to a person described in subdivision (a) or (c).

3 (e) A person who, in the course of his or her business, stores  
4 ephedrine or pseudoephedrine for sale or distribution to a person  
5 described in subdivision (a), (c), or (d).

6 (f) Any product that the state board of pharmacy, upon  
7 application of a manufacturer, exempts from this section because  
8 the product has been formulated in such a way as to effectively  
9 prevent the conversion of the active ingredient into  
10 methamphetamine.

11 (g) Possession of any pediatric product primarily intended for  
12 administration to children under 12 years of age according to label  
13 instructions.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.