

HOUSE BILL NO. 5179

October 18, 2023, Introduced by Reps. Rheingans, Brabec, Hood, Price, Morse, Haadsma, Byrnes, Wilson, Wegela, Arbit, Brixie, Dievendorf, Hill, Morgan and Miller and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7451 (MCL 333.7451), as added by 1988 PA 139.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7451. **(1)** ~~As~~**Except as provided in subsection (2), as**
2 used in sections 7453 to 7461 and section 7521, "drug
3 paraphernalia" means any equipment, product, material, or
4 combination of equipment, products, or materials, ~~which~~**that** is
5 specifically designed for use in planting; propagating;
6 cultivating; growing; harvesting; manufacturing; compounding;

1 converting; producing; processing; preparing; testing; analyzing;
2 packaging; repackaging; storing; containing; concealing; injecting,
3 ingesting, inhaling, or otherwise introducing into the human body a
4 controlled substance; including, but not limited to, all of the
5 following:

6 (a) An isomerization device specifically designed for use in
7 increasing the potency of any species of plant ~~which plant~~ **that** is
8 a controlled substance.

9 (b) Testing equipment specifically designed for use in
10 identifying or in analyzing the strength, effectiveness, or purity
11 of a controlled substance.

12 (c) A weight scale or balance specifically designed for use in
13 weighing or measuring a controlled substance.

14 (d) A diluent or adulterant, including, but not limited to,
15 quinine hydrochloride, mannitol, mannite, dextrose, and lactose,
16 specifically designed for use with a controlled substance.

17 (e) A separation gin or sifter specifically designed for use
18 in removing twigs and seeds from, or in otherwise cleaning or
19 refining, marihuana.

20 (f) An object specifically designed for use in ingesting,
21 inhaling, or otherwise introducing marihuana, cocaine, hashish, or
22 hashish oil into the human body.

23 (g) A kit specifically designed for use in planting,
24 propagating, cultivating, growing, or harvesting any species of
25 plant ~~which~~ **that** is a controlled substance or from which a
26 controlled substance can be derived.

27 (h) A kit specifically designed for use in manufacturing,
28 compounding, converting, producing, processing, or preparing
29 controlled substances.

1 (i) A device, commonly known as a cocaine kit, that is
2 specifically designed for use in ingesting, inhaling, or otherwise
3 introducing controlled substances into the human body, and which
4 consists of at least a razor blade and a mirror.

5 (j) A device, commonly known as a bullet, that is specifically
6 designed to deliver a measured amount of controlled substances to
7 the user.

8 (k) A device, commonly known as a snorter, that is
9 specifically designed to carry a small amount of controlled
10 substances to the user's nose.

11 (l) A device, commonly known as an automotive safe, that is
12 specifically designed to carry and conceal a controlled substance
13 in an automobile, including, but not limited to, a can used for
14 brake fluid, oil, or carburetor cleaner ~~which~~**that** contains a
15 compartment for carrying and concealing controlled substances.

16 (m) A spoon, with or without a chain attached, that has a
17 small diameter bowl and that is specifically designed for use in
18 ingesting, inhaling, or otherwise introducing controlled substances
19 into the human body.

20 **(2) As used in sections 7453 to 7461 and section 7521, "drug**
21 **paraphernalia" does not include testing products utilized in**
22 **determining whether a controlled substance contains chemicals,**
23 **toxic substances, or hazardous compounds in quantities that can**
24 **cause physical harm or death. As used in this subsection, "testing**
25 **products" includes, but is not limited to, fentanyl testing strips.**