

SENATE BILL NO. 57

February 07, 2023, Introduced by Senators CHANG, BELLINO, CHERRY, WOJNO, POLEHANKI, KLINEFELT, SANTANA and BAYER and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7453 (MCL 333.7453), as added by 1988 PA 139.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7453. (1) Subject to subsection (2), a person shall not
2 sell or offer for sale **an object specifically designed for inhaling**
3 **nitrous oxide for recreational purposes or** drug paraphernalia,
4 knowing that the **object specifically designed for inhaling nitrous**
5 **oxide for recreational purposes will be used to inhale nitrous**
6 **oxide for recreational purposes or that the** drug paraphernalia will

1 be used to plant, propagate, cultivate, grow, harvest, manufacture,
2 compound, convert, produce, process, prepare, test, analyze, pack,
3 repack, store, contain, conceal, inject, ingest, inhale, or
4 otherwise introduce into the human body a controlled substance.

5 (2) Before a person is arrested for a violation of subsection
6 (1), the attorney general or a prosecuting attorney shall notify
7 the person in writing, not less than 2 business days before the
8 person is to be arrested, that the person is in possession of
9 specific, defined material that has been determined by the attorney
10 general or prosecuting attorney to be **an object specifically**
11 **designed for inhaling nitrous oxide for recreational purposes or**
12 drug paraphernalia. The notice also ~~shall~~**must** request that the
13 person refrain from selling or offering for sale the material and
14 ~~shall~~**must** state that if the person complies with the notice, no
15 arrest will be made for a violation of subsection (1).

16 (3) If a person complies with a notice sent under subsection
17 (2), the compliance is a complete defense ~~for the person against~~**in**
18 a prosecution under **this** section, ~~7453,~~ as long as the compliance
19 continues.

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

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No. 58 of the 102nd Legislature is enacted into
24 law.