



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 189 (as introduced 2-10-05)
Sponsor: Senator Patricia L. Birkholz
Committee: Health Policy

Date Completed: 4-25-05

CONTENT

The bill would amend the Public Health Code to do the following:

- **Require a retail seller of ephedrine or pseudoephedrine products to maintain them behind a counter or where the attendant could monitor them.**
- **Provide that a retail seller would have to require photo identification for the purchase of an ephedrine or pseudoephedrine product.**
- **Require a seller to record ephedrine and pseudoephedrine product purchases.**
- **Prescribe criminal penalties for violating the bill.**

Except as otherwise provided in the bill, a person who possessed ephedrine or pseudoephedrine for retail sale pursuant to a sales tax license, would have to maintain all products that contained ephedrine or pseudoephedrine as the products' sole active ingredient behind a counter where the public was not permitted, or within 20 feet of a counter that allowed the attendant to view the products in an unobstructed manner.

A retail seller also would have to require a purchaser of such a product to produce a valid photo identification that included his or her name and birth date. The seller would have to record the information in a written log, along with the date of the transaction and a description of the product and the amount purchased.

The bill specifies that it would not apply to any of the following:

- A product containing pseudoephedrine that was in a liquid, liquid capsule, or gel capsule form, if pseudoephedrine were not the only active ingredient.
- A pediatric product primarily intended for administration to children under the age of 12, according to label instructions.
- A product that the State Board of Pharmacy exempted, upon a manufacturer's application, because the product had been formulated in a way that effectively prevented the conversion of the active ingredient into methamphetamine.

A person who violated the bill, or who furnished fraudulent identification to purchase a product containing ephedrine or pseudoephedrine as the only active ingredient, would be guilty of a misdemeanor punishable by up to two years' imprisonment and/or a maximum fine of \$2,000.

Proposed MCL 333.17766b

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed misdemeanor. Local units would incur the costs of misdemeanor probation or incarceration in a local facility, which vary by county. The State would incur the cost of incarceration at an average annual cost of \$28,000. Public libraries would benefit from any additional penal fine revenue.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.