

SUBSTITUTE FOR
HOUSE BILL NO. 5822

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 7340.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7340. (1) A PERSON SHALL NOT SELL, DISTRIBUTE, DELIVER,
2 OR OTHERWISE FURNISH A PRODUCT THAT CONTAINS ANY COMPOUND, MIXTURE,
3 OR PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF EPHEDRINE OR
4 PSEUDOEPHEDRINE, A SALT OR OPTICAL ISOMER OF EPHEDRINE OR
5 PSEUDOEPHEDRINE, OR A SALT OF AN OPTICAL ISOMER OF EPHEDRINE OR
6 PSEUDOEPHEDRINE TO AN INDIVIDUAL IF THE SALE IS TRANSACTED THROUGH
7 USE OF THE MAIL, INTERNET, TELEPHONE, OR OTHER ELECTRONIC MEANS.
8 (2) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:
9 (A) A PEDIATRIC PRODUCT PRIMARILY INTENDED FOR ADMINISTRATION
10 TO CHILDREN UNDER 12 YEARS OF AGE ACCORDING TO LABEL INSTRUCTIONS.

1 (B) A PRODUCT CONTAINING PSEUDOEPHEDRINE THAT IS IN A LIQUID
2 FORM IF PSEUDOEPHEDRINE IS NOT THE ONLY ACTIVE INGREDIENT.

3 (C) A PRODUCT THAT THE STATE BOARD OF PHARMACY, UPON
4 APPLICATION OF THE MANUFACTURER OR CERTIFICATION BY THE UNITED
5 STATES DRUG ENFORCEMENT ADMINISTRATION AS INCONVERTIBLE, EXEMPTS
6 FROM THIS SECTION BECAUSE THE PRODUCT HAS BEEN FORMULATED IN SUCH A
7 WAY AS TO EFFECTIVELY PREVENT THE CONVERSION OF THE ACTIVE
8 INGREDIENT INTO METHAMPHETAMINE.

9 (D) A PERSON WHO DISPENSES A PRODUCT DESCRIBED IN SUBSECTION
10 (1) PURSUANT TO A PRESCRIPTION.

11 (E) A PERSON WHO, IN THE COURSE OF HIS OR HER BUSINESS, SELLS
12 OR DISTRIBUTES PRODUCTS DESCRIBED IN SUBSECTION (1) TO EITHER OF
13 THE FOLLOWING:

14 (i) A PERSON LICENSED BY THIS STATE TO MANUFACTURE, DELIVER,
15 DISPENSE, OR POSSESS WITH INTENT TO MANUFACTURE OR DELIVER A
16 CONTROLLED SUBSTANCE, PRESCRIPTION DRUG, OR OTHER DRUG.

17 (ii) A PERSON WHO ORDERS THOSE PRODUCTS DESCRIBED IN SUBSECTION
18 (1) FOR RETAIL SALE PURSUANT TO A LICENSE ISSUED UNDER THE GENERAL
19 SALES TAX ACT, 1933 PA 167, MCL 205.51 TO 205.78.

20 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
21 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
22 NOT MORE THAN \$5,000.00, OR BOTH.