

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7453 Sale of object designed for inhaling nitrous oxide or drug paraphernalia prohibited; notice; compliance.

Sec. 7453.

(1) Subject to subsection (2), a person shall not sell or offer for sale an object specifically designed for inhaling nitrous oxide for recreational purposes or drug paraphernalia, knowing that the object specifically designed for inhaling nitrous oxide for recreational purposes will be used to inhale nitrous oxide for recreational purposes or that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

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

(3) If a person complies with a notice sent under subsection (2), the compliance is a complete defense in a prosecution under this section, as long as the compliance continues.

History: Add. 1988, Act 139, Imd. Eff. June 3, 1988 ;-- Am. 2024, Act 18, Eff. June 10, 2024

Popular Name: Act 368