

HOUSE BILL No. 5241

October 9, 1991, Introduced by Reps. Hunter, Bennane, Murphy, Gire, Clack, Gubow, Emerson, Joe Young, Sr., Clarke, Kosteva, Joe Young, Jr., Perry Bullard and Yokich and referred to the Committee on Public Health.

A bill to amend section 7105 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 60 of the Public Acts of 1988, being section 333.7105 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7105 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 60 of the Public Acts of 1988,
3 being section 333.7105 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 7105. (1) "Deliver" or "delivery" means the actual,
6 constructive, or attempted transfer from 1 person to another of a
7 controlled substance, whether or not there is an agency
8 relationship. HOWEVER, DELIVER OR DELIVERY DOES NOT INCLUDE THE

1 POSTPARTUM TRANSFER OF A CONTROLLED SUBSTANCE BY A MOTHER TO HER
2 CHILD THROUGH THE UMBILICAL CORD.

3 (2) "Dispense" means to deliver or issue a controlled sub-
4 stance to an ultimate user or research subject by or pursuant to
5 the lawful order of a practitioner, including the prescribing,
6 administering, or compounding necessary to prepare the substance
7 for the delivery or issuance.

8 (3) "Dispenser" means a practitioner who dispenses.

9 (4) "Distribute" means to deliver other than by administer-
10 ing or dispensing a controlled substance.

11 (5) "Distributor" means a person who distributes.

12 (6) "Drug" means a substance recognized as a drug in the
13 official United States pharmacopoeia, official homeopathic phar-
14 macopoeia of the United States, or official national formulary,
15 or any supplement to any of them; a substance intended for use in
16 the diagnosis, cure, mitigation, treatment, or prevention of dis-
17 ease in human beings or animals; a substance other than food
18 intended to affect the structure or any function of the body of
19 human beings or animals; or, a substance intended for use as a
20 component of any article specified in this subsection. It does
21 not include a device or its components, parts, or accessories.
22 (7) "Human consumption" means application, injection, inha-
23 lation, or ingestion by a human being.