

Act No. 299
Public Acts of 2000
Approved by the Governor
October 9, 2000
Filed with the Secretary of State
October 11, 2000
EFFECTIVE DATE: January 1, 2001

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

**Introduced by Reps. Allen, Spade, Richner, Shulman, Rick Johnson, Howell, Pappageorge, Rocca, Ruth Johnson, Woronchak, Green, Jelinek, Law, DeVuyst, Geiger, Cassis, Jansen, Stamas, Jellema, Kuipers, Godchaux, Kukuk, Mortimer and Caul
Reps. Basham, Bishop, Callahan, Faunce, Hardman, Koetje, Kowall, Lemmons, Mans, Mead, Patterson, Prusi, Richardville, Schauer, Scott, Shackleton, Tabor, Thomas, Toy, Van Woerkom, Vaughn and Voorhees named co-sponsors**

ENROLLED HOUSE BILL No. 4996

AN ACT to amend 1967 PA 119, entitled "An act regulating the use of chemical agents containing toxic chemicals or organic solvents or both, having the property of releasing toxic vapors; and providing for penalties," by amending the title and section 3 (MCL 752.273) and by adding section 2a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

TITLE

An act to regulate the sale, distribution, and use of certain chemical agents and devices containing certain chemical agents; and to provide penalties.

Sec. 2a. (1) A person shall not sell or otherwise distribute to another person any device that contains any quantity of nitrous oxide or sell or otherwise distribute a device to dispense nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system. This subsection does not apply to nitrous oxide that has been denatured or otherwise rendered unfit for human consumption or to any of the following:

(a) A person licensed under the food processing act of 1977, 1978 PA 328, MCL 289.801 to 289.810, or chapter VII of the food law of 2000, 2000 PA 92, MCL 289.7101 to 289.7137, who sells or otherwise distributes the device as a grocery product.

(b) A person engaged in the business of selling or distributing catering supplies only or food processing equipment only, or selling or distributing compressed gases for industrial or medical use who sells or otherwise distributes the device in the course of that business.

(c) A pharmacist, pharmacist intern, or pharmacy as defined in section 17707 of the public health code, 1978 PA 368, MCL 333.17707, who dispenses the device in the course of his or her duties as a pharmacist or pharmacist intern or as a pharmacy.

(d) A health care professional.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(b) If the person has 1 prior conviction, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

(c) If the person has 2 or more prior convictions, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(3) As used in this section, "prior conviction" means a previous violation of this section or a law of another state, a law of a local unit of government of this state or another state, or a law of the United States substantially corresponding to this section.

Sec. 3. Except as provided in section 2a, a person who violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

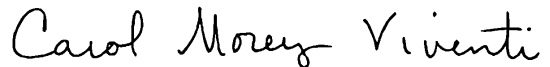
Enacting section 1. Section 4 of 1967 PA 119, MCL 752.274, is repealed.

Enacting section 2. This amendatory act takes effect January 1, 2001.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.