

SUBSTITUTE FOR
SENATE BILL NO. 650

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17766c (MCL 333.17766c), as added by 1994 PA
38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 17766c. (1) A person shall not possess more than ~~10~~
2 12 grams of ephedrine **or pseudoephedrine** alone or in a mixture.
- 3 (2) A person who violates this section is guilty of a felony
4 punishable by imprisonment for not more than 2 years or a fine of
5 not more than \$2,000.00, or both.
- 6 (3) This section does not apply to any of the following:
- 7 (a) A person who possesses ephedrine **or pseudoephedrine**
8 pursuant to a license issued by this state or the United States
9 to manufacture, deliver, dispense, possess with intent to
10 manufacture or deliver, or possess a controlled substance,

1 prescription drug, or other drug.

2 (b) An individual who possesses ephedrine **or pseudoephedrine**
3 pursuant to a prescription.

4 (c) A person who possesses ephedrine **or pseudoephedrine** for
5 retail sale pursuant to a license issued ~~pursuant to~~ **under** the
6 general sales tax act, ~~Act No. 167 of the Public Acts of 1933,~~
7 ~~being sections 205.51 to 205.78 of the Michigan Compiled Laws~~
8 **1933 PA 167, MCL 205.51 to 205.78.**

9 (d) A person who possesses ephedrine **or pseudoephedrine** in
10 the course of his or her business of selling or transporting
11 ephedrine **or pseudoephedrine** to a person described in subdivision
12 (a) or (c).

13 (e) A person who, in the course of his or her business,
14 stores ephedrine **or pseudoephedrine** for sale or distribution to a
15 person described in subdivision (a), (c), or (d).

16 (f) Any product that the state board of pharmacy, upon
17 application of a manufacturer, exempts from this section because
18 the product has been formulated in such a way as to effectively
19 prevent the conversion of the active ingredient into
20 methamphetamine.

21 (g) Possession of any pediatric product primarily intended
22 for administration to children under 12 years of age according to
23 label instructions.

24 Enacting section 1. This amendatory act takes effect
25 [\[April 1\]](#), 2004.