

Legislative Analysis



PROHIBIT DISTANCE SALES OF CERTAIN MEDICATIONS

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House Bill 5822 (Substitute H-1)

Sponsor: Rep. Rick Jones

Committee: Health Policy

Complete to 3-30-06

A SUMMARY OF HOUSE BILL 5822 AS PASSED BY COMMITTEE

The bill would amend the Public Health Code (MCL 333.7340) to prohibit the sale, distribution, delivery or other furnishing through the mail, Internet, telephone, or electronically of products containing any compound, mixture, or preparation containing ephedrine or pseudoephedrine. A violation would be a misdemeanor, punishable by imprisonment for not more than one year and/or a fine of not more than \$5,000.

The bill would not apply to:

- A pediatric product primarily intended for children under 12 according to label instructions.
- A product containing pseudoephedrine in liquid form if that is not the only ingredient.
- A product exempted by the State Board of Pharmacy at the manufacturer's request, or certified as inconvertible by the U. S. Drug Enforcement Administration, because the product has been formulated to prevent the conversion of the active ingredient into methamphetamine.
- A person who dispenses the product pursuant to a prescription.
- A person who in the course of business sells or distributes products to 1) a person licensed to manufacture, deliver, dispense, or possess a controlled substance, prescription drug, or other drug; or 2) a person who orders the products for retail sale using a license issued under the General Sales Tax Act.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on local units of government. Local units could experience increased costs of jail or misdemeanor probation supervision, while local libraries could benefit from any increase in collection of penal fines.

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