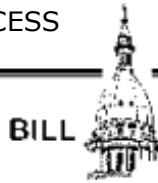




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 189 (Substitute S-2 as reported)
Sponsor: Senator Patricia L. Birkholz
Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to do the following:

- Require a retail seller of ephedrine or pseudoephedrine products to maintain them behind a counter, within a locked case, or where the attendant could monitor them, or to use an antitheft device and constant video surveillance.
- Provide that a retail seller would have to require photo identification for the purchase of an ephedrine or pseudoephedrine product.
- Require a seller who did not maintain ephedrine and pseudoephedrine products behind a counter or within a locked case to record product purchases, maintain the log for at least six months, and make it available to a law enforcement agency upon request.
- Prohibit a person from knowingly selling ephedrine or pseudoephedrine products to someone under 18 years old, or selling to anyone in a single over-the-counter sale more than two packages or 48 tablets or capsules, or more than two personal convenience packages containing two tablets or capsules each of an ephedrine or pseudoephedrine product.
- Create exceptions for pediatric products, products containing pseudoephedrine in liquid form and other active ingredients, products exempted by the State Board of Pharmacy, and products dispensed pursuant to a prescription.
- Require the Department of Community Health to produce signs indicating that the sale of ephedrine and pseudoephedrine products to a minor was prohibited, and require retailers to post the signs near the point of sale.
- Provide that a person who violated the bill would be responsible for a State civil infraction and could be ordered to pay a maximum civil fine of \$50 for each violation.
- Require the Department of State Police to report to the Legislature one year after the bill took effect regarding the bill's impact and effectiveness.
- Prohibit a local unit of government from imposing any new requirement or prohibition pertaining to the sale of an ephedrine or pseudoephedrine product beginning on the bill's effective date.

The bill would take effect six months after it was enacted.

Proposed MCL 333.17766b

Legislative Analyst: Julie Koval

FISCAL IMPACT

Public libraries would benefit from any additional civil infraction fine revenue. The bill also would create additional costs for the Department of Community Health related to creating and printing the required signs.

Date Completed: 5-5-05

Fiscal Analyst: Bethany Wicksall