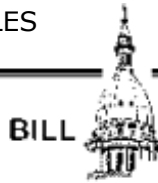




Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4322 (Substitute H-1 as reported without amendment)

Sponsor: Representative Rick Jones

House Committee: Judiciary

Senate Committee: Health Policy

CONTENT

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

- Prohibit a person from knowingly selling an ephedrine or pseudoephedrine product to a person under 18 years old.
- Limit the amount of an ephedrine or pseudoephedrine product that could be sold in a single over-the-counter (OTC) 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 per violation.
- Require the Department of Community Health (DCH) to produce signs indicating that the sale of ephedrine and pseudoephedrine products to a minor was prohibited by law, and make the signs available to licensed retailers on the DCH website free of charge.
- Require retailers to post the signs near the point of sale.
- Prohibit a local unit of government from imposing any new requirement or prohibition that conflicted with the bill.

The bill is tie-barred to Senate Bill 189. Senate Bill 189 (H-1), as passed by the House, is tie-barred to the House bill and 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 use an antitheft device on the products along with 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 that did not maintain the 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.
- 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 per violation.

Proposed MCL 333.17766f

Legislative Analyst: Julie Koval

FISCAL IMPACT

There are no data to indicate how many people would be found responsible for a civil infraction for violating the proposed section. Additional civil fine revenue would benefit public libraries.

Date Completed: 6-27-05

Fiscal Analyst: David Fosdick
Bethany Wicksall