

SUBSTITUTE FOR
HOUSE BILL NO. 5822

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 7340.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7340. (1) A PERSON SHALL NOT SELL, DISTRIBUTE, DELIVER,
2 OR OTHERWISE FURNISH A PRODUCT THAT CONTAINS ANY COMPOUND, MIXTURE,
3 OR PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF EPHEDRINE OR
4 PSEUDOEPHEDRINE, A SALT OR OPTICAL ISOMER OF EPHEDRINE OR
5 PSEUDOEPHEDRINE, OR A SALT OF AN OPTICAL ISOMER OF EPHEDRINE OR
6 PSEUDOEPHEDRINE TO AN INDIVIDUAL IF THE SALE IS TRANSACTED THROUGH
7 USE OF THE MAIL, INTERNET, TELEPHONE, OR OTHER ELECTRONIC MEANS.
8 (2) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:
9 (A) A PEDIATRIC PRODUCT PRIMARILY INTENDED FOR ADMINISTRATION
10 TO CHILDREN UNDER 12 YEARS OF AGE ACCORDING TO LABEL INSTRUCTIONS.

House Bill No. 5822 as amended May 30 and June 1, 2006

1 (B) A PRODUCT CONTAINING PSEUDOEPHEDRINE THAT IS IN A LIQUID
2 FORM IF PSEUDOEPHEDRINE IS NOT THE ONLY ACTIVE INGREDIENT.

3 (C) A PRODUCT THAT THE STATE BOARD OF PHARMACY, UPON
4 APPLICATION OF THE MANUFACTURER OR CERTIFICATION BY THE UNITED
5 STATES DRUG ENFORCEMENT ADMINISTRATION AS INCONVERTIBLE, EXEMPTS
6 FROM THIS SECTION BECAUSE THE PRODUCT HAS BEEN FORMULATED IN SUCH A
7 WAY AS TO EFFECTIVELY PREVENT THE CONVERSION OF THE ACTIVE
8 INGREDIENT INTO METHAMPHETAMINE.

9 (D) A PERSON WHO DISPENSES A PRODUCT DESCRIBED IN SUBSECTION
10 (1) PURSUANT TO A PRESCRIPTION.

11 (E) A PERSON WHO, IN THE COURSE OF HIS OR HER BUSINESS, SELLS
12 OR DISTRIBUTES PRODUCTS DESCRIBED IN SUBSECTION (1) TO EITHER OF
13 THE FOLLOWING:

14 (i) A PERSON LICENSED BY THIS STATE TO MANUFACTURE, DELIVER,
15 DISPENSE, OR POSSESS WITH INTENT TO MANUFACTURE OR DELIVER A
16 CONTROLLED SUBSTANCE, PRESCRIPTION DRUG, OR OTHER DRUG.

17 (ii) A PERSON WHO ORDERS THOSE PRODUCTS DESCRIBED IN SUBSECTION
18 (1) FOR RETAIL SALE PURSUANT TO A LICENSE ISSUED UNDER THE GENERAL
19 SALES TAX ACT, 1933 PA 167, MCL 205.51 TO 205.78.

<<(F) A MANUFACTURER OR DISTRIBUTOR WHO DONATES PRODUCT SAMPLES TO
A NONPROFIT CHARITABLE ORGANIZATION THAT HAS TAX-EXEMPT STATUS PURSUANT
TO SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986, A LICENSED
PRACTITIONER, OR A GOVERNMENTAL ENTITY.>>

20 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
21 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
22 NOT MORE THAN \$5,000.00, OR BOTH.

<<Enacting section 1. This amendatory act takes effect October 1,
2006.

Enacting section 2. This amendatory act does not take effect unless
Senate Bill No. 1282 of the 93rd Legislature is enacted into law.>>