

HOUSE BILL No. 5077

August 3, 2005, Introduced by Rep. Stakoe and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7453 (MCL 333.7453), as added by 1988 PA 139;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7453. ~~—(1) Subject to subsection (2), a~~ A person shall
2 not sell or offer for sale drug paraphernalia. ~~—, knowing that the~~
3 ~~drug paraphernalia will be used to plant, propagate, cultivate,~~
4 ~~grow, harvest, manufacture, compound, convert, produce, process,~~
5 ~~prepare, test, analyze, pack, repack, store, contain, conceal,~~
6 ~~inject, ingest, inhale, or otherwise introduce into the human body~~
7 ~~a controlled substance.~~
8 ~~— (2) Before a person is arrested for a violation of subsection~~

~~(1), the attorney general or a prosecuting attorney shall notify the person in writing, not less than 2 business days before the person is to be arrested, that the person is in possession of specific, defined material that has been determined by the attorney general or prosecuting attorney to be drug paraphernalia. The notice also shall request that the person refrain from selling or offering for sale the material and shall state that if the person complies with the notice, no arrest will be made for a violation of subsection (1).~~

~~—— (3) If a person complies with a notice sent under subsection (2), the compliance is a complete defense for the person against a prosecution under section 7453, as long as the compliance continues.~~

Enacting section 1. Sections 7459 and 7461 of the public health code, 1978 PA 368, MCL 333.7459 and 333.7461, are repealed.