

# HOUSE BILL No. 5822

March 2, 2006, Introduced by Reps. Jones, Schuitmaker, Moore, David Law, Kahn, Shaffer, Newell, Accavitti, Kooiman, Moolenaar, Booher, Stahl, Taub, Hansen, Proos, Pearce and Polidori and referred to the Committee on Health Policy.

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.

11       (B) A PRODUCT CONTAINING PSEUDOEPHEDRINE THAT IS IN A LIQUID

1 FORM IF PSEUDOEPHEDRINE IS NOT THE ONLY ACTIVE INGREDIENT.

2 (C) A PRODUCT THAT THE STATE BOARD OF PHARMACY, UPON  
3 APPLICATION OF THE MANUFACTURER, EXEMPTS FROM THIS SECTION BECAUSE  
4 THE PRODUCT HAS BEEN FORMULATED IN SUCH A WAY AS TO EFFECTIVELY  
5 PREVENT THE CONVERSION OF THE ACTIVE INGREDIENT INTO  
6 METHAMPHETAMINE.

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

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

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

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

18 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
19 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR  
20 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.