

SENATE BILL No. 189

February 10, 2005, Introduced by Senators BIRKHOLZ, SCHAUER and HAMMERSTROM
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 17766b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17766B. (1) EXCEPT AS OTHERWISE PROVIDED UNDER THIS
2 SECTION, A PERSON WHO POSSESSES EPHEDRINE OR PSEUDOEPHEDRINE FOR
3 RETAIL SALE PURSUANT TO A LICENSE ISSUED UNDER THE GENERAL SALES
4 TAX ACT, 1933 PA 167, MCL 205.51 TO 205.78, SHALL DO EACH OF THE
5 FOLLOWING:

6 (A) MAINTAIN ALL PRODUCTS THAT CONTAIN EPHEDRINE OR
7 PSEUDOEPHEDRINE AS THE PRODUCTS' SOLE ACTIVE INGREDIENT BEHIND A
8 COUNTER WHERE THE PUBLIC IS NOT PERMITTED OR WITHIN 20 FEET OF A

1 COUNTER THAT ALLOWS THE ATTENDANT TO VIEW THE PRODUCTS IN AN
2 UNOBSTRUCTED MANNER.

3 (B) REQUIRE THE PURCHASER OF A PRODUCT DESCRIBED UNDER
4 SUBDIVISION (A) TO PRODUCE A VALID PHOTO IDENTIFICATION THAT
5 INCLUDES THE INDIVIDUAL'S NAME AND DATE OF BIRTH AND RECORD THE
6 SAME IN A WRITTEN LOG ALONG WITH THE DATE OF THE TRANSACTION AND A
7 DESCRIPTION OF THE PRODUCT AND THE AMOUNT PURCHASED.

8 (2) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

9 (A) A PRODUCT CONTAINING PSEUDOEPHEDRINE THAT IS IN A LIQUID,
10 LIQUID CAPSULE, OR GEL CAPSULE FORM IF PSEUDOEPHEDRINE IS NOT THE
11 ONLY ACTIVE INGREDIENT.

12 (B) A PEDIATRIC PRODUCT PRIMARILY INTENDED FOR ADMINISTRATION
13 TO CHILDREN UNDER 12 YEARS OF AGE ACCORDING TO LABEL INSTRUCTIONS.

14 (C) A PRODUCT THAT THE STATE BOARD OF PHARMACY, UPON
15 APPLICATION OF A MANUFACTURER, EXEMPTS FROM THIS SECTION BECAUSE
16 THE PRODUCT HAS BEEN FORMULATED IN SUCH A WAY AS TO EFFECTIVELY
17 PREVENT THE CONVERSION OF THE ACTIVE INGREDIENT INTO
18 METHAMPHETAMINE.

19 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
20 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR
21 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

22 (4) A PERSON WHO FURNISHES FRAUDULENT IDENTIFICATION TO
23 PURCHASE A PRODUCT DESCRIBED UNDER SUBSECTION (1) (A) IS GUILTY OF A
24 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR
25 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.