

SUBSTITUTE FOR  
HOUSE BILL NO. 4564

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17766c (MCL 333.17766c), as amended by 2011 PA  
86.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 17766c. (1) A person shall not do any of the following:
- 2           (a) Purchase more than 3.6 grams of ephedrine or
- 3 pseudoephedrine alone or in a mixture within a single calendar day.
- 4           (b) Purchase more than 9 grams of ephedrine or pseudoephedrine
- 5 alone or in a mixture within a 30-day period.
- 6           (c) Possess more than 12 grams of ephedrine or pseudoephedrine
- 7 alone or in a mixture.
- 8           (D) EXCEPT AS PROVIDED IN SUBSECTION (4), USE OR ATTEMPT TO
- 9 USE A FALSE IDENTIFICATION OR THE IDENTIFICATION OF ANOTHER PERSON
- 10 TO PURCHASE A PRODUCT THAT CONTAINS ANY COMPOUND, MIXTURE, OR

1 **PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF EPHEDRINE OR**  
2 **PSEUDOEPHEDRINE.**

3 (2) A person who violates this section is guilty of a crime as  
4 follows:

5 (a) A person who violates subsection (1)(a) or (b) is guilty  
6 of a misdemeanor punishable by imprisonment for not more than 93  
7 days or a fine of not more than \$500.00, or both.

8 (b) A person who violates subsection (1)(c) is guilty of a  
9 felony punishable by imprisonment for not more than 2 years or a  
10 fine of not more than \$2,000.00, or both.

11 **(C) A PERSON WHO VIOLATES SUBSECTION (1)(D) IS GUILTY OF A**  
12 **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR**  
13 **A FINE OF NOT MORE THAN \$100.00, OR BOTH.**

14 (3) ~~This section~~ **SUBSECTION (1)(A) TO (C)** does not apply to  
15 any of the following:

16 (a) A person who possesses ephedrine or pseudoephedrine  
17 pursuant to a license issued by this state or the United States to  
18 manufacture, deliver, dispense, possess with intent to manufacture  
19 or deliver, or possess a controlled substance, prescription drug,  
20 or other drug.

21 (b) An individual who possesses ephedrine or pseudoephedrine  
22 pursuant to a prescription.

23 (c) A person who possesses ephedrine or pseudoephedrine for  
24 retail sale pursuant to a license issued under the general sales  
25 tax act, 1933 PA 167, MCL 205.51 to 205.78.

26 (d) A person who possesses ephedrine or pseudoephedrine in the  
27 course of his or her business of selling or transporting ephedrine

1 or pseudoephedrine to a person described in subdivision (a) or (c).

2 (e) A person who, in the course of his or her business, stores  
3 ephedrine or pseudoephedrine for sale or distribution to a person  
4 described in subdivision (a), (c), or (d).

5 (f) Any product that the state board of pharmacy, upon  
6 application of a manufacturer, exempts from this section because  
7 the product has been formulated in such a way as to effectively  
8 prevent the conversion of the active ingredient into  
9 methamphetamine.

10 (g) Possession of any pediatric product primarily intended for  
11 administration to children under 12 years of age according to label  
12 instructions.

13 (4) SUBSECTION (1) (D) DOES NOT APPLY TO A PERSON WHO  
14 PARTICIPATES IN EITHER OF THE FOLLOWING:

15 (A) AN UNDERCOVER OPERATION IN WHICH THE INDIVIDUAL PURCHASES  
16 OR RECEIVES A PRODUCT THAT CONTAINS ANY COMPOUND, MIXTURE, OR  
17 PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF EPHEDRINE OR  
18 PSEUDOEPHEDRINE AS DESCRIBED IN SUBSECTION (1) UNDER THE DIRECTION  
19 OF THE PERSON'S EMPLOYER AND WITH THE PRIOR APPROVAL OF THE LOCAL  
20 PROSECUTOR'S OFFICE AS PART OF AN EMPLOYER-SPONSORED INTERNAL  
21 ENFORCEMENT ACTION.

22 (B) AN UNDERCOVER OPERATION IN WHICH THE INDIVIDUAL PURCHASES  
23 OR RECEIVES A PRODUCT THAT CONTAINS ANY COMPOUND, MIXTURE, OR  
24 PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF EPHEDRINE OR  
25 PSEUDOEPHEDRINE AS DESCRIBED IN SUBSECTION (1) UNDER THE DIRECTION  
26 OF THE STATE POLICE OR LOCAL LAW ENFORCEMENT AGENCY AS PART OF AN  
27 ENFORCEMENT ACTION UNLESS THE INITIAL OR CONTEMPORANEOUS PURCHASE

1 OR RECEIPT OF A PRODUCT THAT CONTAINS ANY COMPOUND, MIXTURE, OR  
2 PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF EPHEDRINE OR  
3 PSEUDOEPHEDRINE BY THE PERSON WAS NOT UNDER THE DIRECTION OF THE  
4 STATE POLICE OR LOCAL LAW ENFORCEMENT AGENCY AND WAS NOT PART OF  
5 THE UNDERCOVER OPERATION.