

HOUSE BILL No. 4564

April 21, 2011, Introduced by Reps. Price, Hughes, MacMaster, Kurtz, Gilbert, Jenkins, Pscholka, Liss, Haines, Scott and Wayne Schmidt 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 7340a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7340A. (1) A RETAILER SHALL NOT SELL TO A PERSON PRODUCTS
2 CONTAINING A TOTAL OF MORE THAN 3.6 GRAMS OF EPHEDRINE OR
3 PSEUDOEPHEDRINE, A SALT OF EPHEDRINE OR PSEUDOEPHEDRINE, OR AN
4 ISOMER OF EPHEDRINE OR PSEUDOEPHEDRINE WITHIN A 24-HOUR PERIOD OR
5 MORE THAN 9 GRAMS OF PRODUCTS CONTAINING EPHEDRINE OR
6 PSEUDOEPHEDRINE, A SALT OF EPHEDRINE OR PSEUDOEPHEDRINE, OR AN
7 ISOMER OF EPHEDRINE OR PSEUDOEPHEDRINE WITHIN A 24-HOUR PERIOD.
8 (2) A PERSON SHALL NOT PURCHASE FROM A RETAILER PRODUCTS
9 CONTAINING A TOTAL OF MORE THAN 3.6 GRAMS OF EPHEDRINE OR

1 PSEUDOEPHEDRINE, A SALT OF EPHEDRINE OR PSEUDOEPHEDRINE, OR AN
2 ISOMER OF EPHEDRINE OR PSEUDOEPHEDRINE WITHIN A 24-HOUR PERIOD OR A
3 PRODUCT CONTAINING A TOTAL OF MORE THAN 9 GRAMS OF EPHEDRINE OR
4 PSEUDOEPHEDRINE, A SALT OF EPHEDRINE OR PSEUDOEPHEDRINE, OR AN
5 ISOMER OF EPHEDRINE OR PSEUDOEPHEDRINE WITHIN A 24-HOUR PERIOD.

6 (3) THE LIMITS DESCRIBED IN SUBSECTIONS (1) AND (2) APPLY TO
7 THE TOTAL AMOUNT OF BASE EPHEDRINE AND PSEUDOEPHEDRINE CONTAINED IN
8 THE PRODUCTS, AND NOT THE OVERALL WEIGHT OF THE PRODUCTS.

9 (4) A RETAILER SHALL REQUIRE ANY PERSON PURCHASING A
10 NONPRESCRIPTION PRODUCT THAT CONTAINS EPHEDRINE OR PSEUDOEPHEDRINE
11 TO PRESENT VALID GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION AT
12 THE POINT OF SALE. THE RETAILER SHALL RECORD THE NAME, ADDRESS, AND
13 DATE OF BIRTH OF THE PURCHASER; NAME AND QUANTITY OF PRODUCT
14 PURCHASED; DATE AND TIME PURCHASED; AND PURCHASER IDENTIFICATION
15 TYPE AND NUMBER, SUCH AS DRIVER LICENSE STATE AND NUMBER, AND SHALL
16 REQUIRE THE PURCHASER'S SIGNATURE IN A LOGBOOK.

17 (5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
18 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00. IF A
19 PRODUCT IS DISPENSED IN VIOLATION OF SUBSECTION (1), THE OWNER OR
20 OPERATOR OF THE WHOLESALE OR RETAIL ESTABLISHMENT DISPENSING THE
21 PRODUCT IS IN VIOLATION OF SUBSECTION (1).

22 (6) THIS SECTION DOES NOT APPLY TO A PERSON WHO OBTAINS THE
23 PRODUCT PURSUANT TO A VALID PRESCRIPTION.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No.____ or House Bill No.____ (request no.
26 02126'11) of the 96th Legislature is enacted into law.