HOUSE BILL No. 5707

July 16, 2014, Introduced by Rep. Darany and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled

"Public health code,"

by amending section 7220 (MCL 333.7220), as amended by 1999 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 7220. (1) The following controlled substances are included in schedule 5:

(a) The following drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

Loperamide

(b) Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts of narcotic drugs, which includes 1 or more nonnarcotic active

HOUSE BILL No. 5707

medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(*i*) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams and not more than 10 milligrams per dosage unit.

(*ii*) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

(*iii*) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

(*iv*) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(*v*) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

(c) Except as otherwise provided in this subdivision, ephedrine, a salt of ephedrine, an optical isomer of ephedrine, a salt of an optical isomer of ephedrine, or a compound, mixture, or preparation containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine. However, the following are not included in schedule 5:

(*i*) A product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine if the drug product may lawfully be sold over the counter without a prescription under federal law, is labeled and

marketed in a manner consistent with the pertinent OTC tentative final or final monograph, is manufactured and distributed for legitimate medical use in a manner that reduces or eliminates the likelihood for abuse, and is not marketed, advertised, or labeled for an indication of stimulation, mental alertness, energy, weight loss, appetite control, or muscle enhancement and if the drug product is 1 of the following:

(A) A solid dosage form, including but not limited to a soft gelatin caplet, that combines as active ingredients not less than 400 milligrams of guaifenesin and not more than 25 milligrams of ephedrine per dose, packaged in blister packs with not more than 2 tablets or caplets per blister.

(B) An anorectal preparation containing not more than 5% ephedrine.

(*ii*) A food product or a dietary supplement containing ephedrine, if the food product or dietary supplement meets all of the following criteria:

(A) It contains, per dosage unit or serving, not more than the lesser of 25 milligrams of ephedrine alkaloids or the maximum amount of ephedrine alkaloids provided in applicable regulations adopted by the United States food and drug administration and contains no other controlled substance.

(B) It contains no hydrochloride or sulfate salts of ephedrine alkaloids.

(C) It is packaged with a prominent label securely affixed to each package that states the amount in milligrams of ephedrine in a serving or dosage unit; the amount of the food product or

dietary supplement that constitutes a serving or dosage unit; that the maximum recommended dosage of ephedrine for a healthy adult human is the lesser of 100 milligrams in a 24-hour period or the maximum recommended dosage or period of use provided in applicable regulations adopted by the United States food and drug administration; and that improper use of the product may be hazardous to a person's health.

(D) MITRAGYNA SPECIOSA; ALL PARTS OF THE PLANT PRESENTLY CLASSIFIED BOTANICALLY AS MITRAGYNA SPECIOSA, WHETHER GROWING OR NOT; THE LEAVES AND SEEDS OF THAT PLANT; ANY EXTRACT OR RESIN FROM ANY PART OF THAT PLANT; AND EVERY COMPOUND, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THAT PLANT OR ITS LEAVES, SEEDS, OR EXTRACTS.

SOME TRADE AND OTHER NAMES:

KRATOM

(2) Inclusion of the substances described in subsection (1)(c) into schedule 5 does not preclude prosecution for a crime involving those schedule 5 substances under section 17766c.