

## PROHIBIT SALE OF DEXTROMETHORPHAN TO MINORS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4412 (proposed substitute H-1)**

**Sponsor: Rep. Bronna Kahle**

**Committee: Health Policy**

**Revised 5-21-19**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4412 would amend the Public Health Code to provide that, except for a medication sold under a valid prescription, a person could not dispense to a minor, and a minor could not purchase, a finished drug product containing dextromethorphan.

When making a retail sale of a finished dextromethorphan product, a person would have to obtain proof of age from the purchaser before completing the sale, unless the purchaser reasonably appeared to be at least 25 years old.

A person who violated the prohibition on knowingly or willfully selling or trading a dextromethorphan product to a minor would be subject to a letter from the director of the Department of Licensing and Regulatory Affairs (LARA) for a first violation, a fine of up to \$50 for a second violation, and a fine of up to \$100 for a third or subsequent violation. Any individual could report a violation of the prohibition to LARA. A minor who purchased a dextromethorphan product would be subject to a civil fine of \$50.

The bill states that the prohibition would preempt local ordinances or resolutions regulating the sale, distribution, receipt, or possession of dextromethorphan. Additionally, local units could not enact or enforce an ordinance or resolution conflicting with the provisions in the bill.

The bill would take effect January 1, 2020.

Proposed MCL 333.17766g

### FISCAL IMPACT:

House Bill 4412 would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of offenders who are assigned civil fines under provisions of the bill. There could be costs for the judiciary and local court systems depending on how provisions of the bill affected caseloads and related administrative costs. There could be an increase in revenue for the state, as civil fine revenue typically is deposited into the state Justice System Fund, which supports various justice-related endeavors in the judicial and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

The bill would also likely have a modest fiscal impact on LARA, due to potential cost increases for administrative enforcement activities. The bill would allow individuals to report violations of the bill's provisions to LARA. The department would have to intake and investigate these allegations, though these activities may be accomplished utilizing current funding and staffing levels.

Legislative Analyst: Jenny McInerney  
Fiscal Analysts: Robin Risko  
Marcus Coffin

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.