

# HOUSE BILL NO. 4412

March 21, 2019, Introduced by Rep. Kahle 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 17766g.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 17766g. (1) Except as otherwise provided in subsection  
2       (4), a person shall not knowingly or willfully sell or trade a  
3       finished drug product containing any quantity of dextromethorphan  
4       to a minor.

5       (2) A person making a retail sale of a finished drug product  
6       containing any quantity of dextromethorphan must require and obtain



1 proof of age from the purchaser before completing the sale, unless  
2 from the purchaser's outward appearance the person making the sale  
3 would reasonably presume the purchaser to be at least 25 years of  
4 age.

5 (3) Except as otherwise provided in subsection (4), a minor  
6 shall not purchase a finished drug product containing any quantity  
7 of dextromethorphan.

8 (4) This section does not apply to a medication containing  
9 dextromethorphan that is sold pursuant to a valid prescription.

10 (5) This section preempts any county, city, village, or  
11 township ordinance or resolution regulating the sale, distribution,  
12 receipt, or possession of dextromethorphan. A county, city,  
13 village, or township shall not enact, adopt, maintain, or enforce  
14 an ordinance or resolution that imposes conflicting, different, or  
15 additional standards or requirements than those provided in this  
16 section on the sale, distribution, receipt, or possession of  
17 dextromethorphan.

18 (6) Any individual may report a violation of this section to  
19 the department.

20 (7) A person that violates subsection (1) is subject to the  
21 following:

22 (a) For a first violation, a warning letter from the director  
23 of the department.

24 (b) For a second violation, a civil fine of not more than  
25 \$50.00.

26 (c) For a third or subsequent violation, a civil fine of not  
27 more than \$100.00.

28 (8) An individual who violates subsection (3) is subject to a  
29 civil fine of \$50.00.



1 (9) As used in this section:

2 (a) "Dextromethorphan" means the dextrorotatory isomer of 3-  
3 methoxy-N-methyl-morphinan and its salts.

4 (b) "Finished drug product" means that term as defined in 21  
5 CFR 207.1.

6 (c) "Proof of age" means a valid government-issued photo  
7 identification that includes the purchaser's name and date of  
8 birth, including, but not limited to, a military identification  
9 card, passport, or driver license.

