



Senate Fiscal Agency
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BILL ANALYSIS



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Senates Bill 401 and 402 (as introduced 4-28-21)

Sponsor: Senator Ed McBroom

Committee: Health Policy and Human Services

Date Completed: 5-13-21

CONTENT

Senate Bill 401 would amend Part 177 (Pharmacy Practice and Drug Control) of the Public Health Code to prohibit a person from doing the following:

- **Purchasing more than 7.2 grams of ephedrine or pseudoephedrine alone or in a mixture within a 30-day period.**
- **Purchasing more than 61.2 grams of ephedrine or pseudoephedrine alone or in a mixture within a single calendar year.**

Senate Bill 402 would amend Part 177 of the Code to prohibit a person that possesses products that contain any detectable quantity of ephedrine or pseudoephedrine for retail sale under a license issued under the General Sales Tax Act from knowingly selling more than 7.2, instead of nine, grams of ephedrine or pseudoephedrine alone or in a mixture to any individual within a 30-day period.

The bills are tie-barred. Each bill would take effect 90 days after its enactment.

Senate Bill 401

Currently, the Code prohibits a person from, among other things, purchasing more than nine grams of ephedrine or pseudoephedrine alone or in a mixture within a 30-day period. The bill, instead, would prohibit a person from purchasing more than 7.2 grams of ephedrine or pseudoephedrine alone or in a mixture within a 30-day period.

In addition, the bill would prohibit a person from purchasing more than 61.2 grams of ephedrine or pseudoephedrine alone or in a mixture within a single calendar year.

Senate Bill 402

Currently, the Code prohibits a person that possesses products that contain any compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine, a salt or optical isomer of ephedrine or pseudoephedrine, or a salt of an optical isomer of ephedrine or pseudoephedrine for retail sale under a license issued under the General Sales Tax Act from, among other things, knowingly selling more than nine grams of ephedrine or pseudoephedrine alone or in a mixture to any individual within a 30-day period. The bill, instead, would prohibit a person described above from knowingly selling more than 7.2 grams of ephedrine or pseudoephedrine alone or in a mixture to any individual within a 30-day period.

(A person who violates this prohibition is responsible for a State civil infraction and may be ordered to pay a civil fine of up to \$500 for each violation.)

MCL 333.17766c (S.B. 401)

333.17766f (S.B. 402)

BACKGROUND

Ephedrine is a decongestant often used for temporary relief of shortness of breath, chest tightness, and wheezing due to asthma. Pseudoephedrine is a decongestant and in higher doses, can be used as a stimulant. Ephedrine and pseudoephedrine are over-the-counter drugs, however, to purchase pseudoephedrine, a person must present identification and record their purchase with a pharmacy. Pseudoephedrine can be used to synthesize methamphetamine, a Schedule II drug that is a highly addictive and often abused stimulant that affects a person's central nervous system.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

Senate Bill 401

The bill would have a negative fiscal impact on the State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people would be prosecuted under the bill's provisions. Any additional revenue from imposed fines would go to local libraries.

Senate Bill 402

The bill could have a positive fiscal impact on the State and local units of government. The Code prescribes a \$500 civil fine for a violation of Section 17766f. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine is deposited into the State Justice System Fund. The Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State and for local libraries is indeterminate and would depend on the actual number of violations under the revised provisions.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.