

SENATE BILL NO. 401

April 28, 2021, Introduced by Senator MCBROOM and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17766c (MCL 333.17766c), as amended by 2014 PA
216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 17766c. (1) A person shall not do any of the following:
- 2 (a) Purchase more than 3.6 grams of ephedrine or
- 3 pseudoephedrine alone or in a mixture within a single calendar day.
- 4 (b) Purchase more than ~~9~~7.2 grams of ephedrine or
- 5 pseudoephedrine alone or in a mixture within a 30-day period.

1 (c) Possess more than 12 grams of ephedrine or pseudoephedrine
2 alone or in a mixture.

3 (d) Purchase or possess any amount of ephedrine or
4 pseudoephedrine knowing or having reason to know that it is to be
5 used to manufacture methamphetamine.

6 **(e) Purchase more than 61.2 grams of ephedrine or**
7 **pseudoephedrine alone or in a mixture within a single calendar**
8 **year.**

9 (2) A person ~~who~~**that** violates this section is guilty of a
10 crime as follows:

11 (a) A person ~~who~~**that** violates subsection (1)(a), ~~or~~(b), **or**
12 **(e)** is guilty of a misdemeanor punishable by imprisonment for not
13 more than 93 days or a fine of not more than \$500.00, or both.

14 (b) A person ~~who~~**that** violates subsection (1)(c) is guilty of
15 a felony punishable by imprisonment for not more than 2 years or a
16 fine of not more than \$2,000.00, or both.

17 (c) A person ~~who~~**that** violates subsection (1)(d) is guilty of
18 a felony punishable by imprisonment for not more than 5 years or a
19 fine of not more than \$5,000.00, or both. This subdivision does not
20 prohibit the person from being charged with, convicted of, and
21 sentenced for any other violation of law arising out of the
22 violation of subsection (1)(d).

23 (3) This section does not apply to any of the following:

24 (a) A person ~~who~~**that** possesses ephedrine or pseudoephedrine
25 pursuant to a license issued by this state or the United States to
26 manufacture, deliver, dispense, possess with intent to manufacture
27 or deliver, or possess a controlled substance, prescription drug,
28 or other drug.

29 (b) An individual who possesses ephedrine or pseudoephedrine

1 pursuant to a prescription.

2 (c) A person ~~who~~**that** possesses ephedrine or pseudoephedrine
3 for retail sale pursuant to a license issued under the general
4 sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

5 (d) A person ~~who~~**that** possesses ephedrine or pseudoephedrine
6 in the course of his or her business of selling or transporting
7 ephedrine or pseudoephedrine to a person described in subdivision
8 (a) or (c).

9 (e) A person ~~who~~**that**, in the course of his or her business,
10 stores ephedrine or pseudoephedrine for sale or distribution to a
11 person described in subdivision (a), (c), or (d).

12 (f) Any product that the ~~state~~**Michigan** board of pharmacy,
13 upon application of a manufacturer, exempts from this section
14 because the product has been formulated in such a way as to
15 effectively prevent the conversion of the active ingredient into
16 methamphetamine.

17 (g) Possession of any pediatric product primarily intended for
18 administration to children under 12 years of age according to label
19 instructions.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No. 402 of the 101st Legislature is enacted into
24 law.