

SENATE BILL No. 664

August 13, 2003, Introduced by Senator HAMMERSTROM and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7339 (MCL 333.7339), as added by 1999 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 664

1 Sec. 7339. (1) A person shall not dispense, sell, or
2 otherwise ~~give~~ **distribute** a **food** product ~~described in~~
3 ~~section 7220(1)(c)(ii) to an individual less than 18 years of~~
4 ~~age~~ **or a dietary supplement containing ephedra**. This section
5 does not apply to ~~a physician or pharmacist who prescribes,~~
6 ~~dispenses, administers, or delivers a product described in~~
7 ~~section 7220(1)(c)(ii) to an individual less than 18 years of~~
8 ~~age, to a parent or guardian of an individual less than 18 years~~
9 ~~of age who delivers the product to the individual, or to a person~~
10 ~~authorized by the individual's parent or legal guardian who~~

1 ~~dispenses or delivers the product to the individual.~~ either of
2 the following:

3 (a) A food product or dietary supplement that is prescribed,
4 dispensed, administered, or delivered by a physician or a
5 pharmacist.

6 (b) A food product or dietary supplement that is approved as
7 safe and effective for its intended use under federal law and is
8 lawfully marketed in a manner consistent with federal law.

9 ~~(2) In the course of selling, offering for sale, or~~
10 ~~otherwise distributing a product described in~~
11 ~~section 7220(1)(c)(ii), a person shall not advertise or represent~~
12 ~~in any manner that the product causes euphoria, ecstasy, a "buzz"~~
13 ~~or "high", or an altered mental state, heightens sexual~~
14 ~~performance, or, because it contains ephedrine alkaloids,~~
15 ~~increases muscle mass.~~

16 (2) ~~(3)~~ A person who violates this section is guilty of a
17 misdemeanor punishable by imprisonment for not more than 93 days
18 or a fine of not more than \$100.00, or both.

19 (3) As used in this section, "ephedra" means a product
20 produced from raw botanicals and extracts from botanical sources
21 containing ephedrine alkaloids including ephedrine,
22 pseudoephedrine, norpseudoephedrine, norephedrine,
23 methylephedrine, methylpseudoephedrine, and other related
24 alkaloids. It does not include a product described in section
25 7220(1)(c)(i).