

SENATE BILL No. 564

October 1, 2013, Introduced by Senators PROOS, PAPPAGEORGE, MARLEAU and JANSEN and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17766c (MCL 333.17766c), as amended by 2011 PA
86.

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 grams of ephedrine or pseudoephedrine
5 alone or in a mixture within a 30-day period.

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

8 (D) PURCHASE OR POSSESS ANY AMOUNT OF EPHEDRINE OR

1 PSEUDOEPHEDRINE KNOWING THAT IT IS TO BE COMBINED IN THIS STATE OR
2 ELSEWHERE WITH ANY OTHER QUANTITY OF EPHEDRINE OR PSEUDOEPHEDRINE
3 FOR THE PURPOSE OF ILLEGALLY MANUFACTURING OR ATTEMPTING TO
4 ILLEGALLY MANUFACTURE METHAMPHETAMINE IN THIS STATE OR ELSEWHERE.

5 (2) A person who violates this section is guilty of a crime as
6 follows:

7 (a) A person who violates subsection (1)(a) or (b) is guilty
8 of a misdemeanor punishable by imprisonment for not more than 93
9 days or a fine of not more than \$500.00, or both.

10 (b) A person who violates subsection (1)(c) is guilty of a
11 felony punishable by imprisonment for not more than 2 years or a
12 fine of not more than \$2,000.00, or both.

13 (C) A PERSON WHO VIOLATES SUBSECTION (1)(D) IS GUILTY OF A
14 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A
15 FINE OF NOT MORE THAN \$10,000.00, OR BOTH. THIS SUBDIVISION DOES
16 NOT PROHIBIT THE PERSON FROM BEING CHARGED WITH, CONVICTED OF, AND
17 SENTENCED FOR ANY OTHER VIOLATION OF LAW ARISING OUT OF THE
18 VIOLATION OF THIS SUBDIVISION.

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

20 (a) A person who possesses ephedrine or pseudoephedrine
21 pursuant to a license issued by this state or the United States to
22 manufacture, deliver, dispense, possess with intent to manufacture
23 or deliver, or possess a controlled substance, prescription drug,
24 or other drug.

25 (b) An individual who possesses ephedrine or pseudoephedrine
26 pursuant to a prescription.

27 (c) A person who possesses ephedrine or pseudoephedrine for

1 retail sale pursuant to a license issued under the general sales
2 tax act, 1933 PA 167, MCL 205.51 to 205.78.

3 (d) A person who possesses ephedrine or pseudoephedrine in the
4 course of his or her business of selling or transporting ephedrine
5 or pseudoephedrine to a person described in subdivision (a) or (c).

6 (e) A person who, in the course of his or her business, stores
7 ephedrine or pseudoephedrine for sale or distribution to a person
8 described in subdivision (a), (c), or (d).

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

14 (g) Possession of any pediatric product primarily intended for
15 administration to children under 12 years of age according to label
16 instructions.

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