

HOUSE BILL NO. 5982

April 12, 2022, Introduced by Rep. Bellino and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7453 (MCL 333.7453), as added by 1988 PA 139.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7453. (1) Subject to subsection (2), a person shall not
2 sell or offer for sale **an object specifically designed for inhaling**
3 **nitrous oxide for recreational purposes or** drug paraphernalia,
4 knowing that the **object specifically designed for inhaling nitrous**
5 **oxide for recreational purposes will be used to inhale nitrous**
6 **oxide for recreational purposes or that the** drug paraphernalia will

1 be used to plant, propagate, cultivate, grow, harvest, manufacture,
2 compound, convert, produce, process, prepare, test, analyze, pack,
3 repack, store, contain, conceal, inject, ingest, inhale, or
4 otherwise introduce into the human body a controlled substance.

5 (2) Before a person is arrested for a violation of subsection
6 (1), the attorney general or a prosecuting attorney shall notify
7 the person in writing, not less than 2 business days before the
8 person is to be arrested, that the person is in possession of
9 specific, defined material that has been determined by the attorney
10 general or prosecuting attorney to be **an object specifically**
11 **designed for inhaling nitrous oxide for recreational purposes or**
12 drug paraphernalia. The notice also ~~shall~~**must** request that the
13 person refrain from selling or offering for sale the material and
14 ~~shall~~**must** state that if the person complies with the notice, no
15 arrest will be made for a violation of subsection (1).

16 (3) If a person complies with a notice sent under subsection
17 (2), the compliance is a complete defense ~~for the person against~~**in**
18 a prosecution under **this** section, ~~7453,~~ as long as the compliance
19 continues.

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