

SUBSTITUTE FOR
SENATE BILL NO. 650

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17766c (MCL 333.17766c), as added by 1994 PA
38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 17766c. (1) A person shall not possess more than ~~10~~
2 12 grams of ephedrine **or pseudoephedrine** alone or in a mixture.
- 3 (2) A person who violates this section is guilty of a felony
4 punishable by imprisonment for not more than 2 years or a fine of
5 not more than \$2,000.00, or both.
- 6 (3) This section does not apply to any of the following:
- 7 (a) A person who possesses ephedrine **or pseudoephedrine**
8 pursuant to a license issued by this state or the United States
9 to manufacture, deliver, dispense, possess with intent to
10 manufacture or deliver, or possess a controlled substance,

1 prescription drug, or other drug.

2 (b) An individual who possesses ephedrine **or pseudoephedrine**
3 pursuant to a prescription.

4 (c) A person who possesses ephedrine **or pseudoephedrine** for
5 retail sale pursuant to a license issued ~~pursuant to~~ **under** the
6 general sales tax act, ~~Act No. 167 of the Public Acts of 1933,~~
7 ~~being sections 205.51 to 205.78 of the Michigan Compiled Laws~~
8 **1933 PA 167, MCL 205.51 to 205.78.**

9 (d) A person who possesses ephedrine **or pseudoephedrine** in
10 the course of his or her business of selling or transporting
11 ephedrine **or pseudoephedrine** to a person described in subdivision
12 (a) or (c).

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

16 (f) **Any product that the state board of pharmacy, upon**
17 **application of a manufacturer, exempts from this section because**
18 **the product has been formulated in such a way as to effectively**
19 **prevent the conversion of the active ingredient into**
20 **methamphetamine.**

21 (g) **Possession of any pediatric product primarily intended**
22 **for administration to children under 12 years of age according to**
23 **label instructions.**

24 Enacting section 1. This amendatory act takes effect
25 [\[April 1\]](#), 2004.