

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 January 31, 2004.