

# Legislative Analysis

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## **PROHIBIT USING FAKE ID TO PURCHASE EPHEDRINE PRODUCTS**

**House Bill 4564 (Substitute H-1)**

**Sponsor: Rep. Amanda Price**

**Committee: Health Policy**

**First Analysis (9-27-11)**

***BRIEF SUMMARY:*** The bill would make it a misdemeanor to use a fake ID to purchase or attempt to purchase a product containing ephedrine.

***FISCAL IMPACT:*** The bill could increase local correctional costs to the extent that persons are convicted under the new misdemeanor offense added under its provisions. Local incarceration and probation costs vary by jurisdiction. Any increase in penal fine revenues would benefit local libraries, which are the constitutionally-designated recipients of those revenues.

### ***THE APPARENT PROBLEM:***

Methamphetamine production and use continues to be a growing problem. Recent legislation requires better tracking of persons buying products containing ephedrine, a major component of meth production. Thus, some may try to circumvent these new requirements by using fake identification or IDs borrowed or stolen from others. Thus, some feel it is important to make it a crime to buy ephedrine products with a fake ID or someone else's ID.

### ***THE CONTENT OF THE BILL:***

House Bill 4564 would amend the Public Health Code (MCL 333.177766cc) to prohibit using or attempting to use a false identification or the identification of another person to purchase a product containing any compound, mixture, or preparation containing any detectable quantity of ephedrine or pseudoephedrine. A violation would be a misdemeanor punishable by imprisonment for not more than 93 days, a fine of not more than \$100, or both.

The bill's prohibition and penalty would not apply to a person participating in an undercover operation in which the individual purchases or receives a product containing ephedrine or pseudoephedrine under the following scenarios:

- Under the direction of an employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
- Under the direction of the state police or local law enforcement agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of an ephedrine or pseudoephedrine product by the person was not under the direction of law enforcement and therefore not part of the undercover operation.

***ARGUMENTS:***

***For:***

The bill is a companion piece to a package of legislation passed earlier this year to make it harder for people to obtain ephedrine products for the purpose of manufacturing methamphetamine. That package enacted tighter tracking requirements so that law enforcement agencies could intercept those buying ephedrine products in multiple stores before they could use those products to "cook" meth.

House Bill 4564 gives law enforcement another important tool to prosecute those engaged in illegal meth production who would use a fake ID or the name and identification of another person (thus implicating that person in illegal conduct) to buy ephedrine products. This should not entrap people innocently buying allergy or cold medications for personal use, as allowable limits are adequate for personal needs.

***POSITIONS:***

The Michigan Pharmacists Association indicated support for the bill. (9-22-11)

The Michigan Association of Health Plans indicated support for the bill. (9-22-11)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.