

# HOUSE BILL No. 5089

October 22, 2013, Introduced by Reps. Genetski, Kivela, Knezek, Dianda, Driskell, Zemke, Schor, LaVoy, Roberts, Cochran, Heise, McBroom, Bumstead, LaFontaine, Pettalia, Kelly, O'Brien, Lori, Graves, Schmidt, Yanez, Brunner, Kurtz, Rendon, Geiss, Haugh, Brown, Kesto, Foster, Victory, MacGregor, MacMaster, Durhal, Kosowski, Dillon, Pscholka, Somerville, Haveman, Greimel, Haines, Glardon, Callton, Yonker, Johnson, Santana and Kandrevas and referred to the Committee on Criminal Justice.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 7340c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 7340C. (1) A PERSON SHALL NOT PURCHASE OR ATTEMPT TO  
2 PURCHASE OR OTHERWISE OBTAIN OR ATTEMPT TO OBTAIN ANY PRODUCT  
3 CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE IN THIS STATE KNOWING THAT  
4 IT IS TO BE COMBINED WITH ANY OTHER PRODUCT CONTAINING EPHEDRINE OR  
5 PSEUDOEPHEDRINE IN THIS STATE OR ELSEWHERE FOR THE PURPOSE OF  
6 ILLEGALLY MANUFACTURING METHAMPHETAMINE.

7           (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY  
8 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF  
9 NOT MORE THAN \$5,000.00, OR BOTH.

10           (3) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING  
11 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION OF

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1 LAW COMMITTED BY THE PERSON WHILE VIOLATING THIS SECTION.

2 (4) IF A PERSON IS CONVICTED OF VIOLATING THIS SECTION, THE  
3 COURT SHALL REPORT THE VIOLATION TO THE NATIONAL ASSOCIATION OF  
4 DRUG DIVERSION INVESTIGATORS (NADDI) FOR ENTRY INTO THE NATIONAL  
5 PRECURSOR LOG EXCHANGE (NPLEX).

6 (5) A RETAILER SHALL NOT DISPENSE ANY PRODUCT CONTAINING  
7 EPHEDRINE OR PSEUDOEPHEDRINE TO A PERSON WHO IS LISTED IN THE  
8 NATIONAL PRECURSOR LOG EXCHANGE (NPLEX) AS HAVING VIOLATED THIS  
9 SECTION, REGARDLESS OF WHETHER THE PERSON HAS A PRESCRIPTION FOR  
10 THAT PRODUCT.

11 (6) FOR PURPOSES OF THIS SECTION:

12 (A) "EPHEDRINE" INCLUDES THE SALTS AND ISOMERS AND SALTS OF  
13 ISOMERS OF EPHEDRINE.

14 (B) "PSEUDOEPHEDRINE" INCLUDES THE SALTS AND ISOMERS AND SALTS  
15 OF ISOMERS OF PSEUDOEPHEDRINE.

16 Enacting section 1. This amendatory act does not take effect  
17 unless Senate Bill No. \_\_\_\_ or House Bill No. 5088 (request no.  
18 02863'13) of the 97th Legislature is enacted into law.