

Act No. 123
Public Acts of 2019
Approved by the Governor
November 14, 2019

Filed with the Secretary of State
November 15, 2019

EFFECTIVE DATE: July 1, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Rep. Kahle

ENROLLED HOUSE BILL No. 4412

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 17766g.

The People of the State of Michigan enact:

Sec. 17766g. (1) Except as otherwise provided in subsection (4), a person shall not knowingly or willfully sell or trade a finished drug product containing any quantity of dextromethorphan to a minor.

(2) A person making a retail sale of a finished drug product containing any quantity of dextromethorphan must require and obtain proof of age from the purchaser before completing the sale, unless from the purchaser’s outward appearance the person making the sale would reasonably presume the purchaser to be at least 25 years of age.

(3) Except as otherwise provided in subsection (4), a minor shall not purchase a finished drug product containing any quantity of dextromethorphan.

(4) This section does not apply to a medication containing dextromethorphan that is sold pursuant to a valid prescription.

(5) This section preempts any county, city, village, or township ordinance or resolution regulating the sale, distribution, receipt, or possession of dextromethorphan. A county, city, village, or township shall not enact, adopt, maintain, or enforce an ordinance or resolution that imposes conflicting, different, or additional standards or requirements than those provided in this section on the sale, distribution, receipt, or possession of dextromethorphan.

(6) A person that violates subsection (1) is responsible for a state civil infraction as provided under chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, and may be ordered to pay a civil fine of not more than \$100.00 for each violation.

(7) An individual who violates subsection (3) is responsible for a state civil infraction as provided under chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, and may be ordered to pay a civil fine of not more than \$50.00 for each violation.

(8) As used in this section:

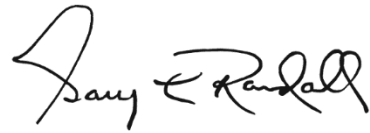
(a) "Dextromethorphan" means the dextrorotatory isomer of 3-methoxy-N-methyl-morphinan and its salts.

(b) "Finished drug product" means that term as defined in 21 CFR 207.1.

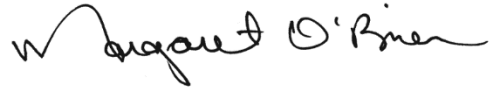
(c) "Proof of age" means a valid government-issued photo identification that includes the purchaser's name and date of birth, including, but not limited to, a military identification card, passport, or driver license.

Enacting section 1. This amendatory act takes effect July 1, 2020.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor