

HOUSE BILL No. 4775

April 2, 2009, Introduced by Reps. Schuitmaker, Elsenheimer, Marleau, Rick Jones and Ball and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7407 (MCL 333.7407), as amended by 2001 PA 236.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7407. (1) A person shall not knowingly or intentionally
2 **DO ANY OF THE FOLLOWING:**

3 (a) Distribute as a licensee a controlled substance classified
4 in schedule 1 or 2, except pursuant to an order form as required by
5 section 7331.

6 (b) Use in the course of the manufacture or distribution of a
7 controlled substance a license number that is fictitious, revoked,
8 suspended, or issued to another person.

9 (c) Acquire or obtain possession of a controlled substance by
10 misrepresentation, fraud, forgery, deception, or subterfuge.

1 (d) Furnish false or fraudulent material information in, or
2 omit any material information from, an application, report, or
3 other document required to be kept or filed under this article, or
4 any record required to be kept by this article.

5 (e) Make, distribute, or possess a punch, die, plate, stone,
6 or other thing designed to print, imprint, or reproduce the
7 trademark, trade name, or other identifying mark, imprint, or
8 device of another **PERSON** or any likeness of any of the foregoing
9 upon a drug or container or labeling ~~thereof~~ **OF A DRUG** so as to
10 render the drug a counterfeit substance.

11 (f) Possess counterfeit prescription forms, except as an agent
12 of government while engaged in the enforcement of this part.

13 (2) A person shall not refuse or knowingly fail to make, keep,
14 or furnish any record, notification, order form, statement,
15 invoice, or other information required under this article.

16 (3) A person who violates ~~this section~~ **SUBSECTION (1) (A), (B),**
17 **(D), OR (E)** is guilty of a felony ~~—~~ punishable by imprisonment for
18 not more than 4 years ~~—~~ or a fine of not more than \$30,000.00, or
19 both.

20 **(4) A PERSON WHO VIOLATES SUBSECTION (1) (C) OR (F) IS GUILTY**
21 **OF A CRIME AS FOLLOWS:**

22 **(A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE PERSON**
23 **IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN**
24 **5 YEARS OR A FINE OF NOT MORE THAN \$25,000.00, OR BOTH.**

25 **(B) IF THE PERSON HAS 1 PRIOR CONVICTION, THE PERSON IS GUILTY**
26 **OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS**
27 **OR A FINE OF NOT MORE THAN \$50,000.00, OR BOTH.**

1 (C) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS, THE PERSON
2 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
3 20 YEARS OR A FINE OF NOT MORE THAN \$100,000.00, OR BOTH.

4 (5) THE COURT MAY ORDER A PERSON CONVICTED OF VIOLATING THIS
5 SECTION TO PAY THE COSTS OF PROSECUTION AS PROVIDED IN THE CODE OF
6 CRIMINAL PROCEDURE, 1927 PA 175, MCL 760.1 TO 777.69.

7 (6) THE COURT SHALL IMPOSE LICENSE SANCTIONS UNDER SECTION
8 7408A FOR A VIOLATION DESCRIBED IN SUBSECTION (4).

9 (7) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A PRIOR
10 CONVICTION FOR VIOLATING THIS SECTION OR A LAW OF THE UNITED
11 STATES, ANOTHER STATE, OR A POLITICAL SUBDIVISION OF ANOTHER STATE
12 SUBSTANTIALLY CORRESPONDING TO THIS SECTION.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.

15 Enacting section 2. This amendatory act does not take effect
16 unless all of the following bills of the 95th Legislature are
17 enacted into law:

18 (a) Senate Bill No. ____ or House Bill No. ____ (request no.
19 01864'09 a).

20 (b) Senate Bill No. ____ or House Bill No. ____ (request no.
21 01864'09 b).