



Senate Fiscal Agency  
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Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bills 401 and 402 (as reported without amendment)  
Sponsor: Senator Ed McBroom  
Committee: Health Policy and Human Services

**CONTENT**

Senate Bill 401 would amend Part 177 (Pharmacy Practice and Drug Control) of the Public Health Code to prohibit a person from doing the following:

- Purchasing more than 7.2 grams of ephedrine or pseudoephedrine alone or in a mixture within a 30-day period.
- Purchasing more than 61.2 grams of ephedrine or pseudoephedrine alone or in a mixture within a single calendar year.

Senate Bill 402 would amend Part 177 of the Code to prohibit a person that possesses products that contain any detectable quantity of ephedrine or pseudoephedrine for retail sale under a license issued under the General Sales Tax Act from knowingly selling more than 7.2, instead of nine, grams of ephedrine or pseudoephedrine alone or in a mixture to any individual within a 30-day period.

The bills are tie-barred.

MCL 333.17766c (S.B. 401)  
333.17766f (S.B. 402)

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

Senate Bill 401 would have a negative fiscal impact on the State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people would be prosecuted under the bill's provisions. Any additional revenue from imposed fines would go to local libraries.

Senate Bill 402 could have a positive fiscal impact on the State and local units of government. The Code prescribes a \$500 civil fine for a violation of Section 17766f. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine is deposited into the State Justice System Fund. The Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State and for local libraries is indeterminate and would depend on the actual number of violations under the revised provisions.

Date Completed: 5-24-21

Fiscal Analyst: Joe Carrasco