

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.17766g.added THIS ADDED SECTION IS EFFECTIVE JULY 1, 2020 *****

333.17766g.added Sale, trade, or purchase of dextromethorphan to minor; prohibition; exception for valid prescription; preemption; violation; civil infraction and fine.

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.

History: Add. 2019, Act 123, Eff. July 1, 2020.

Popular name: Act 368