

MICHIGAN**PRODUCTS:**

- Single entity and combination ephedrine (EPH) and pseudoephedrine (PSE) products in solid and liquid form unless exempted. (MCL 333.17766e; MCL 333.17766f)

PRODUCT EXEMPTIONS:

The following products are exempted from state ID and recordkeeping requirements

- Pediatric products labeled and primarily intended for children under 12 years (MCL 333.17766e; MCL 333.17766f);
- Combination PSE products in liquid form (MCL 333.17766e; MCL 333.17766f);
- Products exempted by the Board of Pharmacy (upon application of a manufacturer or certification by DEA as inconvertible) because the product has been formulated so as to effectively prevent the conversion of the active ingredient into methamphetamine (MCL 333.17766e; MCL 333.17766f);
- Products dispensed upon prescription. (MCL 333.17766e; MCL 333.17766f)

SALES LIMITS:

- (For nonexempt EPH and PSE products), may not sell more 3.6 grams of EPH or PSE alone or in a mixture to any individual on any single calendar day. (MCL 333.17766f)
- (For nonexempt EPH and PSE products), may not sell more than 9 grams of EPH or PSE alone or in a mixture to any individual within a 30-day period. (MCL 333.17766f)
- (For nonexempt EPH and PSE products), may not sell in a single OTC sale more than 2 personal convenience packages containing 2 tablets or capsules each of any nonexempt EPH or PSE product. (MCL 333.17766f)

SALES RESTRICTIONS:

- Retailer must have state-issued license issued under the general sales tax act MCL 205.53 to sell nonexempt products (MCL 333.17766e; MCL 333.17766f);
- Retailer may not sell nonexempt EPH or PSE products to purchaser under 18 years old. (MCL 333.17766f)
- Sales of non-exempt PSE and EPH products through use of the mail, internet, telephone, or other electronic means are prohibited (pediatric products, combination liquid PSE products, board of pharmacy exemption, sales to persons licensed to manufacture, dispense or sell, and manufacturer donations to charitable organizations) (M.C.L.A. 333.7340)

ID REQUIREMENTS:

- Seller must require purchaser to produce a valid photo ID showing purchaser's name and date of birth for all sales of nonexempt EPH and PSE products. (MCL 333.17766e)

RECORDKEEPING REQUIREMENTS:

- Seller must maintain a log or some type of record detailing all sales of nonexempt EPH and PSE products that includes the date of the sale; time of purchase; name, address, and date of birth of the buyer; amount and description of the product sold; and a description of the identification used to make the purchase, such as the state in which a driver license used for identification was issued and number of that license. (MCL 333.17766e)
- The seller must require the purchaser to sign the log at the time of sale. (MCL 333.17766e)
- Information entered into the national precursor log exchange (NPLEX) satisfies the requirement to maintain a log or some type of record detailing the sale under this subdivision. (MCL 333.17766e)
- The log or other means of recording the sale shall be maintained for a minimum of 6 months and made available to only a law enforcement agency upon request. (MCL 333.17766e)

PRODUCT PLACEMENT:

- Nonexempt EPH and PSE products for retail sale must be maintained behind a counter where the public is not permitted or within a locked case so that a customer wanting access to the product must ask a store employee for assistance. (MCL 333.17766e)

PENALTIES:

- A person who violates the recordkeeping requirements; the ID requirement; and/or the product placement requirements 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 \$500.00 for each violation. (MCL 333.17766e)
- (3) A person who violates the sales limits and restrictions 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 \$500.00 for each violation. (MCL 333.17766f)

RETAILER LIABILITY EXEMPTION:

- It is an affirmative defense to a citation issued for violations of the selling products to minors that the defendant had in force at the time of the citation and continues to have in force a written policy for employees to prevent the sale of

nonexempt products to persons under 18 years of age and that the defendant enforced and continues to enforce the policy. (MCL 333.17766f)

PREEMPTION:

- Beginning December 15, 2005, no city, township, village, county, other local unit of government, or political subdivision may impose any new requirement or prohibition pertaining to the sale of nonexempt products that is contrary to, or in any way conflicting with, the laws relating to sales limits, sales restrictions, signage requirements; however, the preemption does not invalidate or otherwise restrict a requirement or prohibition described in this subsection existing on December 15, 2005. (MCL 333.17766f)