

HOUSE BILL No. 4854

June 29, 1987, Introduced by Reps. Oxender, Johnson and Brotherton and referred to the Committee on Public Health.

A bill to amend section 7109 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 174 of the Public Acts of 1986, being section 333.7109 of the Michigan Compiled Laws; and to add section 7334.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7109 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 174 of the Public Acts of 1986,
3 being section 333.7109 of the Michigan Compiled Laws, is amended
4 and section 7334 is added to read as follows:

5 Sec. 7109. (1) "Person" means a person as defined in sec-
6 tion 1106 or a governmental entity.

7 (2) "Poppy straw" means all parts, except the seeds, of the
8 opium poppy, after mowing.

1 (3) "Practitioner" means:

2 (a) A prescriber or pharmacist, a scientific investigator as
3 defined by rule of the administrator, or other person licensed,
4 registered, or otherwise permitted to distribute, dispense, con-
5 duct research with respect to, or administer a controlled sub-
6 stance in the course of professional practice or research in this
7 state, except the holder of a retiree's limited license issued
8 pursuant to article 15, including an individual in charge of a
9 dog pound or animal shelter licensed or registered by the depart-
10 ment of agriculture pursuant to Act No. 287 of the Public Acts of
11 1969, being sections 287.331 to 287.340 of the Michigan Compiled
12 Laws, for the limited purpose of buying, possessing, and adminis-
13 tering a commercially prepared, premixed solution of sodium pen-
14 tobarbital to practice euthanasia on animals, AND INCLUDING AN
15 ANIMAL TRAINER WHO IS THE HOLDER OF A LIMITED PERMIT ISSUED UNDER
16 SECTION 7334.

17 (b) A pharmacy, hospital, or other institution or place of
18 professional practice licensed, registered, or otherwise permit-
19 ted to distribute, prescribe, dispense, conduct research with
20 respect to, or administer a controlled substance in the course of
21 professional practice or research in this state.

22 (4) "Production" means the manufacture, planting, cultiva-
23 tion, growing, or harvesting of a controlled substance.

24 (5) "Ultimate user" means an individual who lawfully pos-
25 sesses a controlled substance for personal use or for the use of
26 a member of the individual's household, or for administering to
27 an animal owned by the individual or by a member of the

1 individual's household or by a person acting on his or her
2 behalf.

3 SEC. 7334. (1) NOTWITHSTANDING SECTION 7333, AN ANIMAL
4 TRAINER MAY ACQUIRE A LIMITED PERMIT ONLY FOR THE PURPOSE OF PUR-
5 CHASING AND POSSESSING CERTAIN CONTROLLED SUBSTANCES TO BE USED
6 ONLY IN TRAINING ANIMALS TO DETECT BY SENSE OF SMELL THE PRESENCE
7 OF THOSE CONTROLLED SUBSTANCES OR IN HANDLING SUCH ANIMALS.

8 (2) IN ORDER TO OBTAIN A LIMITED PERMIT UNDER THIS SECTION,
9 AN ANIMAL TRAINER SHALL DO BOTH OF THE FOLLOWING:

10 (A) MAKE APPLICATION TO THE ADMINISTRATOR FOR A LIMITED
11 PERMIT IN ACCORDANCE WITH RULES PROMULGATED UNDER THIS PART. THE
12 APPLICATION SHALL BE MADE ON A FORM PRESCRIBED BY THE
13 ADMINISTRATOR.

14 (B) COMPLY WITH THE RULES PROMULGATED BY THE ADMINISTRATOR
15 FOR THE PURCHASE, STORAGE, AND HANDLING OF CONTROLLED SUBSTANCES
16 POSSESSED UNDER THIS SECTION.

17 (3) THE ADMINISTRATOR SHALL LIST BY RULE THE CONTROLLED SUB-
18 STANCES WHICH MAY BE POSSESSED PURSUANT TO THIS SECTION.

19 (4) AS USED IN THIS SECTION, "ANIMAL TRAINER" MEANS AN INDIV-
20 VIDUAL WHO TRAINS ANIMALS TO DETECT BY SENSE OF SMELL THE PRES-
21 ENCE OF CONTROLLED SUBSTANCES OR HANDLES SUCH ANIMALS AND IS NOT
22 OTHERWISE EXEMPT FROM LICENSURE UNDER THIS ARTICLE.