



# SENATE BILL No. 121

January 17, 1995, Introduced by Senator BOUCHARD  
and referred to the Committee on Local, Urban  
and State Affairs.

A bill to amend section 7410 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 1994, being sec-  
tion 333.7410 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7410 of Act No. 368 of the Public Acts  
2 of 1978, as amended by Act No. 174 of the Public Acts of 1994,  
3 being section 333.7410 of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 7410. (1) Except as otherwise provided in  
6 subsections (2) and (3), an individual 18 years of age or over  
7 who violates section 7401(2)(a)(iv) by delivering or distributing  
8 a controlled substance listed in schedule 1 or 2 that is either a

1 narcotic drug or described in section 7214(a)(iv) to an  
2 individual under 18 years of age who is at least 3 years the  
3 deliverer's or distributor's junior may be punished by the fine  
4 authorized by section 7401(2)(a)(iv) or by a term of imprisonment  
5 of not less than 1 year nor more than twice that authorized by  
6 section 7401(2)(a)(iv), or both. An individual 18 years of age  
7 or over who violates section 7401 by delivering or distributing  
8 any other controlled substance listed in schedules 1 to 5 to an  
9 individual under 18 years of age who is at least 3 years the  
10 distributor's junior may be punished by the fine authorized by  
11 section 7401(2)(b), (c), or (d), or by a term of imprisonment not  
12 more than twice that authorized by section 7401(2)(b), (c), or  
13 (d), or both.

14 (2) An individual 18 years of age or over who violates sec-  
15 tion 7401(2)(a)(iv) by delivering a controlled substance  
16 described in schedule 1 or 2 that is either a narcotic drug or  
17 described in section 7214(a)(iv) to a minor who is a student on  
18 or within 1,000 feet of school property shall be punished,  
19 subject to subsection (5), by a term of imprisonment of not less  
20 than 2 years or more than 3 times that authorized by section  
21 7401(2)(a)(iv) and, in addition, may be punished by a fine of not  
22 more than 3 times that authorized by section 7401(2)(a)(iv).

23 (3) An individual 18 years of age or over who violates sec-  
24 tion 7401(2)(a)(iv) by possessing with intent to deliver to a  
25 minor who is a student on or within 1,000 feet of school property  
26 OR TO A MINOR WHO IS IN A PUBLIC PARK OR WITHIN 1,000 FEET OF A  
27 PUBLIC PARK, a controlled substance described in schedule 1 or 2

1 that is either a narcotic drug or described in  
2 section 7214(a)(iv) shall be punished, subject to subsection (5),  
3 by a term of imprisonment of not less than 2 years or more than  
4 twice that authorized by section 7401(2)(a)(iv) and, in addition,  
5 may be punished by a fine of not more than 3 times that autho-  
6 rized by section 7401(2)(a)(iv).

7 (4) An individual 18 years of age or over who violates sec-  
8 tion 7403(2)(a)(v), (b), (c), or (d) by possessing a controlled  
9 substance on school property shall be punished by a term of  
10 imprisonment or a fine, or both, of not more than twice that  
11 authorized by section 7403(2)(a)(v), (b), (c), or (d).

12 (5) The court may depart from the minimum term of imprison-  
13 ment authorized under subsection (2) or (3) if the court finds on  
14 the record that there are substantial and compelling reasons to  
15 do so.

16 (6) As used in this section: ~~—, — "school—~~

17 (A) "PUBLIC PARK" MEANS REAL PROPERTY OWNED OR MAINTAINED BY  
18 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT IS DES-  
19 IGNATED BY THIS STATE OR BY THAT POLITICAL SUBDIVISION AS A  
20 PUBLIC PARK.

21 (B) "SCHOOL property" means a building, playing field, or  
22 property used for school purposes to impart instruction to chil-  
23 dren in grades kindergarten through 12, when provided by a  
24 public, private, denominational, or parochial school, except  
25 those buildings used primarily for adult education or college  
26 extension courses.

1       (7) A person who distributes marihuana without remuneration  
2 and not to further commercial distribution and who does not  
3 violate subsection (1) is guilty of a misdemeanor, punishable by  
4 imprisonment for not more than 1 year, or a fine of not more than  
5 \$1,000.00, or both, unless the distribution is in accordance with  
6 the federal law or the law of this state.