

HOUSE BILL No. 4849

April 29, 2009, Introduced by Rep. Sheltroun and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7212, 7403, and 7404 (MCL 333.7212,
333.7403, and 333.7404), as amended by 2002 PA 710.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7212. (1) The following controlled substances are
2 included in schedule 1:
3 (a) Any of the following opiates, including their isomers,
4 esters, the ethers, salts, and salts of isomers, esters, and
5 ethers, unless specifically excepted, when the existence of these
6 isomers, esters, ethers, and salts is possible within the
7 specific chemical designation:

8 Acetylmethadol	Difenoxin	Noracymethadol
9 Allylprodine	Dimenoxadol	Norlevorphanol
10 Alpha-acetylmethadol	Dimepheptanol	Normethadone
11 Alphameprodine	Dimethylthiambutene	Norpipanone

1	Alphamethadol	Dioxaphetyl butyrate	Phenadoxone
2	Benzethidine	Dipipanone	Phenampromide
3	Betacetylmethadol	Ethylmethylthiambutene	Phenomorphane
4	Betameprodine	Etonitazene	Phenoperidine
5	Betamethadol	Etoxadine	Piritramide
6	Betaprodine	Furethidine	Proheptazine
7	Clonitazene	Hydroxypethidine	Properidine
8	Dextromoramide	Ketobemidone	Propiram
9	Diampromide	Levomoramide	Racemoramide
10	Diethylthiambutene	Levophenacymorphan	Trimeperidine
11		Morpheridine	
12			

13 (b) Any of the following opium derivatives, their salts,
 14 isomers, and salts of isomers, unless specifically excepted, when
 15 the existence of these salts, isomers, and salts of isomers is
 16 possible within the specific chemical designation:

17	Acetorphine	Drotebanol	Morphine-N-Oxide
18	Acetyldihydrocodeine	Etorphine	Myrophine
19	Benzylmorphine	Heroin	Nicocodeine
20	Codeine methylbromide	Hydromorphanol	Nicomorphine
21	Codeine-N-Oxide	Methyldesorphine	Normorphine
22	Cyprenorphine	Methyldihydromorphine	Pholcodine
23	Desomorphine	Morphine methylbromide	Thebacon
24	Dihydromorphine	Morphine methylsulfonate	

25 (c) Any material, compound, mixture, or preparation which
 26 contains any quantity of the following hallucinogenic substances,
 27 their salts, isomers, and salts of isomers, unless specifically
 28 excepted, when the existence of these salts, isomers, and salts
 29 of isomers is possible within the specific chemical designation:

30 **ARGYREIA NERVOSA**

31 2-Methylamino-1-phenylpropan-1-one

32 Some trade and other names:

33 Methcathinone

34 Cat

35 Ephedrone

1 3, 4-methylenedioxy amphetamine
2 5-methoxy-3, 4-methylenedioxy
3 amphetamine
4 3, 4, 5-trimethoxy amphetamine
5 Bufotenine
6 Some trade and other names:
7 3-(B-dimethylaminoethyl)-5 hydroxyindole
8 3-(2-dimethylaminoethyl)-5 indolol
9 N,N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine
10 Mappine
11 2, 5-Dimethoxyamphetamine
12 Some trade or other names:
13 2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA
14 4-Bromo-2, 5-Dimethoxyamphetamine
15 Some trade or other names:
16 4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo
17 2,5-DMA
18 Diethyltryptamine
19 Some trade and other names:
20 N,N-Diethyltryptamine; DET
21 Dimethyltryptamine
22 Some trade or other names:
23 DMT
24 4-methyl-2, 5-dimethoxyamphetamine
25 Some trade and other names:
26 4-methyl-2, 5-dimethoxy-a-methyl-phenethylamine
27 DOM, STP
28 4-methoxyamphetamine
29 Some trade or other names:
30 4-methoxy-a-methylphenethylamine; paramethoxy amphetamine;
31 PMA

Ibogaine

Some trade and other names:

7-Ethyl-6,6a,7,8,9,10,12,13

Octahydro-2-methoxy-6,9-methano-5H-

pyrido (1, 2:1, 2 azepino 4, 5-b) indole

tabernanthe iboga

Lysergic acid diethylamide

Marihuana, ~~except as otherwise provided in subsection (2)~~

Mecloqualone

Mescaline

Peyote

N-ethyl-3 piperidyl benzilate

N-methyl-3 piperidyl benzilate

Psilocybin

Psilocyn

SALVIA DIVINORUM

SALVINORIN A

Thiophene analog of phencyclidine

Some trade or other names:

1-(1-(2-thienyl)cyclohexyl) piperidine)

2-thienyl analog of phencyclidine; TCP

(d) ~~Except as provided in subsection (2), synthetic~~

SYNTHETIC equivalents of the substances contained in the plant,

or in the resinous extractives of cannabis and synthetic

substances, derivatives, and their isomers with similar chemical

structure or pharmacological activity, or both, such as the

following, are included in schedule 1:

(i) Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers.

(ii) \triangle^6 cis or trans tetrahydrocannabinol, and their optical isomers.

(iii) $\triangle^{3,4}$, cis or trans tetrahydrocannabinol, and their optical isomers.

(e) Compounds of structures of substances referred to in subdivision (d), regardless of numerical designation of atomic positions, are included.

(f) Gamma-hydroxybutyrate and any isomer, salt, or salt of isomer of gamma-hydroxybutyrate.

Some trade and other names:

Sodium oxybate

4-hydroxybutanoic acid monosodium salt

(g) 3,4-methylenedioxymethamphetamine.

Some trade and other names:

Ecstasy

MDMA

~~———— (2) Marihuana and the substances described in subsection (1) (d) and (e) in schedule 1 shall be regulated as provided in schedule 2, if they are dispensed in the manner provided in sections 7335 and 7336.~~

(2) ~~(3)~~ For purposes of subsection (1), "isomer" includes the optical, position, and geometric isomers.

Sec. 7403. (1) A person shall not knowingly or intentionally possess a controlled substance, a controlled substance analogue, or a prescription form unless the controlled substance,

1 controlled substance analogue, or prescription form was obtained
2 directly from, or pursuant to, a valid prescription or order of a
3 practitioner while acting in the course of the practitioner's
4 professional practice, or except as otherwise authorized by this
5 article.

6 (2) A person who violates this section as to:

7 (a) A controlled substance classified in schedule 1 or 2
8 that is a narcotic drug or a drug described in section
9 7214(a)(iv), and:

10 (i) Which is in an amount of 1,000 grams or more of any
11 mixture containing that substance is guilty of a felony
12 punishable by imprisonment for life or any term of years or a
13 fine of not more than \$1,000,000.00, or both.

14 (ii) Which is in an amount of 450 grams or more, but less
15 than 1,000 grams, of any mixture containing that substance is
16 guilty of a felony punishable by imprisonment for not more than
17 30 years or a fine of not more than \$500,000.00, or both.

18 (iii) Which is in an amount of 50 grams or more, but less than
19 450 grams, of any mixture containing that substance is guilty of
20 a felony punishable by imprisonment for not more than 20 years or
21 a fine of not more than \$250,000.00, or both.

22 (iv) Which is in an amount of 25 grams or more, but less than
23 50 grams of any mixture containing that substance is guilty of a
24 felony punishable by imprisonment for not more than 4 years or a
25 fine of not more than \$25,000.00, or both.

26 (v) Which is in an amount less than 25 grams of any mixture
27 containing that substance is guilty of a felony punishable by

1 imprisonment for not more than 4 years or a fine of not more than
2 \$25,000.00, or both.

3 (b) Either of the following:

4 (i) A substance described in section 7212(1)(g) or 7214(c)(ii)
5 is guilty of a felony punishable by imprisonment for not more
6 than 10 years or a fine of not more than \$15,000.00, or both.

7 (ii) A controlled substance classified in schedule 1, 2, 3,
8 or 4, except a controlled substance for which a penalty is
9 prescribed in subdivision (a), (b)(i), (c), or (d), or a
10 controlled substance analogue is guilty of a felony punishable by
11 imprisonment for not more than 2 years or a fine of not more than
12 \$2,000.00, or both.

13 (c) Lysergic acid diethylamide, peyote, mescaline,
14 dimethyltryptamine, psilocyn, psilocybin, **SALVIA DIVINORUM**,
15 **SALVINORIN A**, **ARGYREIA NERVOSA**, or a controlled substance
16 classified in schedule 5 is guilty of a misdemeanor punishable by
17 imprisonment for not more than 1 year or a fine of not more than
18 \$2,000.00, or both.

19 (d) Marihuana is guilty of a misdemeanor punishable by
20 imprisonment for not more than 1 year or a fine of not more than
21 \$2,000.00, or both.

22 (e) A prescription form is guilty of a misdemeanor
23 punishable by imprisonment for not more than 1 year or a fine of
24 not more than \$1,000.00, or both.

25 (3) If an individual was sentenced to lifetime probation
26 under subsection (2)(a)(iv) before ~~the effective date of the~~
27 ~~amendatory act that added this subsection~~ **APRIL 1, 2003** and the

1 individual has served 5 or more years of that probationary
2 period, the probation officer for that individual may recommend
3 to the court that the court discharge the individual from
4 probation. If an individual's probation officer does not
5 recommend discharge as provided in this subsection, with notice
6 to the prosecutor, the individual may petition the court seeking
7 resentencing under the court rules. The court may discharge an
8 individual from probation as provided in this subsection. An
9 individual may file more than 1 motion seeking resentencing under
10 this subsection.

11 Sec. 7404. (1) A person shall not use a controlled substance
12 or controlled substance analogue unless the substance was
13 obtained directly from, or pursuant to, a valid prescription or
14 order of a practitioner while acting in the course of the
15 practitioner's professional practice, or except as otherwise
16 authorized by this article.

17 (2) A person who violates this section as to:

18 (a) A controlled substance classified in schedule 1 or 2 as
19 a narcotic drug or a drug described in section 7212(1)(g) or
20 7214(a)(iv) or (c)(ii) is guilty of a misdemeanor punishable by
21 imprisonment for not more than 1 year or a fine of not more than
22 \$2,000.00, or both.

23 (b) A controlled substance classified in schedule 1, 2, 3,
24 or 4, except a controlled substance for which a penalty is
25 prescribed in subdivision (a), (c), or (d), or a controlled
26 substance analogue, is guilty of a misdemeanor punishable by
27 imprisonment for not more than 1 year or a fine of not more than

1 \$1,000.00, or both.

2 (c) Lysergic acid diethylamide, peyote, mescaline,
3 dimethyltryptamine, psilocyn, psilocybin, **SALVIA DIVINORUM**,
4 **SALVINORIN A**, **ARGYREIA NERVOSA**, or a controlled substance
5 classified in schedule 5, is guilty of a misdemeanor punishable
6 by imprisonment for not more than 6 months or a fine of not more
7 than \$500.00, or both.

8 (d) Marihuana, is guilty of a misdemeanor punishable by
9 imprisonment for not more than 90 days or a fine of not more than
10 \$100.00, or both.