

HOUSE BILL No. 5288

September 2, 2009, Introduced by Reps. Agema, Genetski, Rick Jones, Walsh, Kurtz, McMillin, Lori, Knollenberg, Meltzer, Calley, Marleau, Meekhof, Green, Proos and Pearce and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7212 and 7214 (MCL 333.7212 and 333.7214),
section 7212 as amended by 2002 PA 710 and section 7214 as
amended by 1982 PA 352; and to repeal acts and parts of acts.

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

1 specific chemical designation:

2	Acetylmethadol	Difenoxin	Noracymethadol
3	Allylprodine	Dimenoxadol	Norlevorphanol
4	Alpha-acetylmethadol	Dimepheptanol	Normethadone
5	Alphameprodine	Dimethylthiambutene	Norpipanone
6	Alphamethadol	Dioxaphetyl butyrate	Phenadoxone
7	Benzethidine	Dipipanone	Phenampromide
8	Betacetylmethadol	Ethylmethylthiambutene	Phenomorphane
9	Betameprodine	Etonitazene	Phenoperidine
10	Betamethadol	Etoxeridine	Piritramide
11	Betaprodine	Furethidine	Proheptazine
12	Clonitazene	Hydroxypethidine	Properidine
13	Dextromoramide	Ketobemidone	Propiram
14	Diampromide	Levomoramide	Racemoramide
15	Diethylthiambutene	Levophenacymorphane	Trimeperidine
16		Morpheridine	

17 (b) Any of the following opium derivatives, their salts,
 18 isomers, and salts of isomers, unless specifically excepted, when
 19 the existence of these salts, isomers, and salts of isomers is
 20 possible within the specific chemical designation:

21	Acetorphine	Drotebanol	Morphine-N-Oxide
22	Acetyldihydrocodeine	Etorphine	Myrophine
23	Benzylmorphine	Heroin	Nicocodeine
24	Codeine methylbromide	Hydromorphanol	Nicomorphine
25	Codeine-N-Oxide	Methyldesorphine	Normorphine

1	Cyprenorphine	Methyldihydromorphine	Pholcodine
2	Desomorphine	Morphine methylbromide	Thebacon
3	Dihydromorphine	Morphine methylsulfonate	

4 (c) Any material, compound, mixture, or preparation which
 5 contains any quantity of the following hallucinogenic substances,
 6 their salts, isomers, and salts of isomers, unless specifically
 7 excepted, when the existence of these salts, isomers, and salts
 8 of isomers is possible within the specific chemical designation:

9 2-Methylamino-1-phenylpropan-1-one

10 Some trade and other names:

11 Methcathinone

12 Cat

13 Ephedrone

14 3, 4-methylenedioxy amphetamine

15 5-methoxy-3, 4-methylenedioxy

16 amphetamine

17 3, 4, 5-trimethoxy amphetamine

18 Bufotenine

19 Some trade and other names:

20 3-(B-dimethylaminoethyl)-5 hydroxyindole

21 3-(2-dimethylaminoethyl)-5 indolol

22 N,N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine

23 Mappine

24 2, 5-Dimethoxyamphetamine

25 Some trade or other names:

26 2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA

27 4-Bromo-2, 5-Dimethoxyamphetamine

28 Some trade or other names:

1 4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo
2 2,5-DMA
3 Diethyltryptamine
4 Some trade and other names:
5 N,N-Diethyltryptamine; DET
6 Dimethyltryptamine
7 Some trade or other names:
8 DMT
9 4-methyl-2, 5-dimethoxyamphetamine
10 Some trade and other names:
11 4-methyl-2, 5-dimethoxy-a-methyl-phenethylamine
12 DOM, STP
13 4-methoxyamphetamine
14 Some trade or other names:
15 4-methoxy-a-methylphenethylamine; paramethoxy amphetamine;
16 PMA
17 Ibogaine
18 Some trade and other names:
19 7-Ethyl-6,6a,7,8,9,10,12,13
20 Octahydro-2-methoxy-6,9-methano-5H-
21 pyrido (1, 2:1, 2 azepino 4, 5-b) indole
22 tabernanthe iboga
23 Lysergic acid diethylamide
24 Marihuana, except as otherwise provided in subsection (2)
25 Mecloqualone
26 Mescaline
27 Peyote
28 N-ethyl-3 piperidyl benzilate
29 N-methyl-3 piperidyl benzilate
30 Psilocybin
31 Psilocyn

1 Thiophene analog of phencyclidine

2 Some trade or other names:

3 1-(1-(2-thienyl)cyclohexyl) piperidine)

4 2-thienyl analog of phencyclidine; TCP

5 (d) Except as provided in subsection (2), synthetic
6 equivalents of the substances contained in the plant, or in the
7 resinous extractives of cannabis and synthetic substances,
8 derivatives, and their isomers with similar chemical structure or
9 pharmacological activity, or both, such as the following, are
10 included in schedule 1:

11 (i) \triangle^1 cis or trans tetrahydrocannabinol, and their optical
12 isomers.

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

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

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

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

22 Some trade and other names:

23 Sodium oxybate

24 4-hydroxybutanoic acid monosodium salt

25 (g) 3,4-methylenedioxymethamphetamine.

1 Some trade and other names:
 2 Ecstasy
 3 MDMA

4 (2) Marihuana and the substances described in subsection (1)
 5 (d) and (e) in schedule 1 shall be regulated as provided in
 6 schedule 2, if they are dispensed **FOR USE** in the manner provided
 7 in ~~sections 7335 and 7336~~ **THE MICHIGAN MEDICAL MARIHUANA ACT,**
 8 **2008 IL 1, MCL 333.26421 TO 333.26430.**

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

11 Sec. 7214. The following controlled substances are included
 12 in schedule 2:

13 (a) Any of the following substances, except those narcotic
 14 drugs listed in other schedules, whether produced directly or
 15 indirectly by extraction from substances of vegetable origin, or
 16 independently by means of chemical synthesis, or by combination
 17 of extraction and chemical synthesis:

18 (i) Opium and opiate, and any salt, compound, derivative, or
 19 preparation of opium or opiate excluding nalaxone and its salts,
 20 and excluding naltrexone and its salts, but including the
 21 following:

22	Raw opium	Etorphine hydrochloride
23	Opium extracts	Hydrocodone
24	Opium Fluid-extracts	Hydromorphone
25	Powdered opium	Metopon
26	Granulated opium	Morphine

1	Tincture of opium	Oxycodone
2	Codeine	Oxymorphone
3	Ethylmorphine	Thebaine

4 (ii) A salt, compound, derivative, or preparation thereof
5 which is chemically equivalent to or identical with a substance
6 referred to in subdivision (a), except that these substances do
7 not include the isoquinoline alkaloids of opium.

8 (iii) Opium poppy, poppy straw, and concentrate of poppy
9 straw, the crude extract of poppy straw in either liquid, solid,
10 or powder form, which contains the phenanthrene alkaloids of the
11 opium poppy.

12 (iv) Coca leaves and any salt, compound, derivative, or
13 preparation thereof which is chemically equivalent to or
14 identical with any of these substances, except that the
15 substances do not include decocainized coca leaves or extraction
16 of coca leaves which extractions do not contain cocaine or
17 ecgonine. The substances include cocaine, its salts,
18 stereoisomers, and salts of stereoisomers when the existence of
19 the salts, stereoisomers, and salts of stereoisomers is possible
20 within the specific chemical designation.

21 (b) Any of the following opiates, including their isomers,
22 esters, ethers, salts, and salts of isomers, when the existence
23 of these isomers, esters, ethers, and salts is possible within
24 the specific chemical designation:

25	Alphaprodine	Fentanyl
26	Anileridine	Isomethadone

1	Bezitramide	Levomethorphan
2	Dihydrocodeine	Levorphanol
3	Diphenoxylate	Metazocine
4		
5	Methadone	
6	Methadone-Intermediate, 4-cyano-2dimethylamino-4, 4-diphenyl butane	
7	Moramide-Intermediate, 2-methyl-3-morpholino-1,	
8	1-diphenylpropane-carboxylic acid	
9		
10	Pethidine	
11	Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	
12	Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	
13	Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-	
14	carboxylic acid	
15		
16	Phenazocine	Racemethorphan
17	Piminodine	Racemorphan
18	(c) Unless listed in another schedule, any material,	
19	compound, mixture, or preparation which contains any quantity of	
20	the following substances having potential for abuse associated	
21	with a stimulant effect on the nervous system:	
22	(i) Amphetamine, its salts, optical isomers, and salts of its	
23	optical isomers.	
24	(ii) Any substance which contains any quantity of	
25	methamphetamine, including its salts, stereoisomers, and salts of	
26	stereoisomers.	
27	(iii) Phenmetrazine and its salts.	
28	(iv) Methylphenidate and its salts.	
29	(d) Any material, compound, mixture, or preparation,	

1 including its salts, isomers, and salts of isomers when the
2 existence of the salts, isomers, and salts of isomers is possible
3 within the specific chemical designation as listed in schedule 2,
4 which contains any quantity of the following substances having a
5 potential for abuse associated with the depressant effect on the
6 central nervous system: methaqualone, amobarbital, pentobarbital,
7 or secobarbital; or, any compound, mixture, or preparation
8 containing amobarbital, secobarbital, pentobarbital, or any salt
9 thereof in combination with itself, with another, or with 1 or
10 more other controlled substances.

11 (e) Marihuana, but only for use as provided in ~~sections 7335~~
12 ~~and 7336~~ **THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL**
13 **333.26421 TO 333.26430.**

14 Enacting section 1. Sections 7335 and 7336 of the public
15 health code, 1978 PA 368, MCL 333.7335 and 333.7336, are
16 repealed.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No. 5289(request no.
19 02584'09 a) of the 95th Legislature is enacted into law.