

HOUSE BILL NO. 6241

December 04, 2024, Introduced by Reps. Wilson and Rheingans and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7106, 7208, 7212, 7214, 7303, 7401, 7401c,
7403, 7404, 7410, 7411, 7413, 7416, 7451, 8105, 8109, 8111, 8154,
8501, 8503, and 18817 (MCL 333.7106, 333.7208, 333.7212, 333.7214,
333.7303, 333.7401, 333.7401c, 333.7403, 333.7404, 333.7410,
333.7411, 333.7413, 333.7416, 333.7451, 333.8105, 333.8109,
333.8111, 333.8154, 333.8501, 333.8503, and 333.18817), section
7106 as amended by 2021 PA 60, section 7208 as amended by 1999 PA
144, sections 7212 and 7303 as amended and sections 8109, 8111,

8154, 8501, and 8503 as added by 2013 PA 268, section 7214 as amended by 2018 PA 107, section 7401 as amended by 2016 PA 548, section 7401c as amended by 2003 PA 310, section 7403 as amended by 2016 PA 307, section 7404 as amended by 2016 PA 308, section 7410 as amended by 2016 PA 128, section 7411 as amended by 2016 PA 291, section 7413 as amended by 2017 PA 266, section 7416 as amended by 1995 PA 95, section 7451 as added by 1988 PA 139, and section 18817 as added by 2020 PA 280.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7106. (1) "Immediate precursor" means a substance that
2 the administrator has found to be and by rule designates as being
3 the principal compound commonly used or produced primarily for use
4 and that is an immediate chemical intermediary used or likely to be
5 used in the manufacture of a controlled substance, the control of
6 which is necessary to prevent, curtail, or limit manufacture.

7 ~~(2) "Industrial hemp" means that term as defined in section 3~~
8 ~~of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL~~
9 ~~1, MCL 333.27953.~~

10 (2) ~~(3)~~ "Manufacture" means the production, preparation,
11 propagation, compounding, conversion, or processing of a controlled
12 substance, directly or indirectly by extraction from substances of
13 natural origin, or independently by means of chemical synthesis, or
14 by a combination of extraction and chemical synthesis. It includes
15 the packaging or repackaging of the substance or labeling or
16 relabeling of its container, except that it does not include either
17 of the following:

18 (a) The preparation or compounding of a controlled substance
19 by an individual for ~~his or her~~ **the individual's** own use.

20 (b) The preparation, compounding packaging, or labeling of a

controlled substance by either of the following:

(i) A practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of ~~his or her~~ **the practitioner's** professional practice.

(ii) A practitioner, or by the practitioner's authorized agent under ~~his or her~~ **the practitioner's** supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis, and not for sale.

~~(4) "Marihuana" means that term as defined in section 3 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953.~~

Sec. 7208. (1) Authority to control under this article does not extend to distilled spirits, wine, malt beverages, ~~or~~ tobacco, **or marihuana.**

(2) Except as provided in section 7220(1)(c), the administrator shall exclude a nonnarcotic substance from a schedule if the substance, under the federal food, drug, and cosmetic act of 1938, 21 ~~U.S.C.~~ **USC** 301 to ~~392,~~ **399i**, and the laws of this state, may be lawfully sold over the counter without a prescription.

Sec. 7212. (1) The following controlled substances are included in schedule 1:

(a) Any of the following opiates, including their isomers, esters, the ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Acetylmethadol	Difenoxin	Noracymethadol
Allylprodine	Dimenoxadol	Norlevorphanol
Alpha-acetylmethadol	Dimepheptanol	Normethadone

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

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

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

1 isomers is possible within the specific chemical designation:

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

3 Some trade and other names:

4 Methcathinone

5 Cat

6 Ephedrone

7 3, 4-methylenedioxy amphetamine

8 5-methoxy-3, 4-methylenedioxy

9 amphetamine

10 3, 4, 5-trimethoxy amphetamine

11 Bufotenine

12 Some trade and other names:

13 3-(B-dimethylaminoethyl)-5 hydroxyindole

14 3-(2-dimethylaminoethyl)-5 indolol

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

16 Mappine

17 2, 5-Dimethoxyamphetamine

18 Some trade or other names:

19 2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA

20 4-Bromo-2, 5-Dimethoxyamphetamine

21 Some trade or other names:

22 4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo

23 2,5-DMA

24 Diethyltryptamine

25 Some trade and other names:

26 N,N-Diethyltryptamine; DET

27 Dimethyltryptamine

28 Some trade or other names:

29 DMT

- 1 4-methyl-2, 5-dimethoxyamphetamine
- 2 Some trade and other names:
- 3 4-methyl-2, 5-dimethoxy-a-methyl-phenethylamine
- 4 DOM, STP
- 5 4-methoxyamphetamine
- 6 Some trade or other names:
- 7 4-methoxy-a-methylphenethylamine; paramethoxy amphetamine;
- 8 PMA
- 9 Ibogaine
- 10 Some trade and other names:
- 11 7-Ethyl-6, 6a, 7, 8, 9, 10, 12, 13
- 12 Octahydro-2-methoxy-6, 9-methano-5H-
- 13 pyrido (1, 2:1, 2 azepino 4, 5-b) indole
- 14 tabernanthe iboga
- 15 Lysergic acid diethylamide
- 16 ~~Except as provided in subsection (2), Marihuana, including~~
- 17 ~~pharmaceutical grade cannabis~~
- 18 Mecloqualone
- 19 Mescaline
- 20 Peyote
- 21 N-ethyl-3 piperidyl benzilate
- 22 N-methyl-3 piperidyl benzilate
- 23 Psilocybin
- 24 Psilocyn
- 25 Thiophene analog of phencyclidine
- 26 Some trade or other names:
- 27 1-(1-(2-thienyl)cyclohexyl) piperidine
- 28 2-thienyl analog of phencyclidine; TCP
- 29 (d) 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) /\1 cis or trans tetrahydrocannabinol, and their optical isomers.

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

(iii) /\3,4, cis or trans tetrahydrocannabinol, and their optical isomers.

(e) Synthetic cannabinoids. As used in this subdivision, "synthetic cannabinoids" includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules ~~II-2~~ through ~~V, 5~~, is not approved by the ~~federal food~~ **United States Food and drug administration-Drug Administration** as a drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically excepted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:

(i) Any compound containing a 3-(1-naphthoyl)indole structure, also known as naphthoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of

1 this structural class include but are not limited to: JWH-007, JWH-
2 015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210,
3 JWH-398, AM-1220, AM-2201, and WIN-55, 212-2.

4 (ii) Any compound containing a 1H-indol-3-yl-(1-
5 naphthyl)methane structure, also known as naphthylmethylinroles,
6 with substitution at the nitrogen atom of the indole ring by an
7 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
8 methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,
9 whether or not further substituted on the indole ring to any extent
10 and whether or not substituted on the naphthyl ring to any extent.
11 Examples of this structural class include but are not limited to:
12 JWH-175, and JWH-184.

13 (iii) Any compound containing a 3-(1-naphthoyl)pyrrole
14 structure, also known as naphthoylpyrroles with substitution at the
15 nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl,
16 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
17 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not
18 further substituted on the pyrrole ring to any extent and whether
19 or not substituted on the naphthyl ring to any extent. Examples of
20 this structural class include but are not limited to: JWH-370, JWH-
21 030.

22 (iv) Any compound containing a naphthylideneindene structure
23 with substitution at the 3-position of the indene ring by an alkyl,
24 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-
25 2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or
26 not further substituted on the indene ring to any extent and
27 whether or not substituted on the naphthyl ring to any extent.
28 Examples of this structural class include but are not limited to:
29 JWH-176.

(v) Any compound containing a 3-phenylacetylindole structure, also known as phenacetylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent. Examples of this structural class include but are not limited to: RCS-8 (SR-18), JWH-250, JWH-203, JWH-251, and JWH-302.

(vi) Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure, also known as cyclohexylphenols, with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted on the cyclohexyl ring to any extent. Examples of this structural class include but are not limited to: CP-47,497 (and homologues(analog)), cannabicyclohexanol, and CP-55,940.

(vii) Any compound containing a 3-(benzoyl)indole structure, also known as benzoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent. Examples of this structural class include but are not limited to: AM-694, pravadoline (WIN-48,098), RCS-4, AM-630, AM-679, AM-1241, and AM-2233.

(viii) Any compound containing a 11-hydroxy-8-tetrahydrocannabinol structure, also known as dibenzopyrans, with

further substitution on the 3-pentyl group by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group. Examples of this structural class include but are not limited to: HU-210, JWH-051, JWH-133.

(ix) Any compound containing a ~~3-(1-adamantoyl)indole~~ **3-(1-adamantoyl)indole** structure, also known as adamantoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the adamantyl ring system to any extent. Examples of this structural class include but are not limited to: AM-1248.

(x) Any other synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids that is not listed in schedules ~~II-2~~ through ~~V-5~~ and is not approved by the ~~federal food~~ **United States Food and drug administration** **Drug Administration** as a drug.

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

(g) 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

(h) 3,4-methylenedioxymethamphetamine.

Some trade and other names:

Ecstasy

1 MDMA
2 (i) N-Benzylpiperazine
3 Some trade and other names:
4 BZP
5 Benzylpiperazine
6 1-(phenylmethyl)-piperazine
7 (j) 3-Chlorophenylpiperazine
8 Some trade and other names:
9 MCPP
10 (k) 1-(3-Trifluoromethylphenyl)piperazine
11 Some trade and other names:
12 TFMPP
13 (l) 4-Bromo-2,5-dimethoxybenzylpiperazine
14 Some trade and other names:
15 2C-B-BZP
16 (m) All of the following:
17 (i) (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-
18 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.
19 Some trade and other names:
20 HU-210
21 (ii) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
22 yl)phenol and its side chain homologues.
23 Some trade and other names:
24 CP47,497
25 (iii) 1-pentyl-3-(1-naphthoyl)indole.
26 Some trade and other names:
27 JWH-018
28 (iv) 1-butyl-3-(1-naphthoyl)indole.
29 Some trade and other names:

1 JWH-073
2 (v) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-
3 methanone.
4 Some trade and other names:
5 JWH-015
6 (vi) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-
7 methanone.
8 Some trade and other names:
9 JWH-200
10 (vii) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone.
11 Some trade and other names:
12 JWH-250
13 (n) Mephedrone (4-methylmethcathinone).
14 Some trade and other names:
15 4-MMC, M-Cat, meow meow, miaow miaow, bounce, bubbles,
16 bubble love, mad cow, plant food, drone, and neo doves
17 (o) 4-Methyl-alpha-pyrrolidinobutyrophenone.
18 Some trade and other names:
19 MPBP
20 (p) Methylenedioxypropylone
21 Some trade and other names:
22 MDPV, Bath salts, charge plus, cloud nine, hurricane Charlie,
23 ivory wave, ocean, red dove, scarface, sonic, white dove,
24 white lightning
25 (q) 5,6-Methylenedioxy-2-aminoindane
26 Some trade and other names:
27 MDAI
28 Woof-woof
29 (r) Naphyrone (Naphthylpyrovalerone)

Some trade and other names:

NRG-1

Rave

(s) Pyrovalerone (1-(4-Methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone)

(t) ~~Catha edulis~~; **Catha edulis**; except as provided in subdivision (u) and section 7218, all parts of the plant presently classified botanically as ~~catha edulis~~, **Catha edulis**, whether growing or not; the leaves and seeds of that plant; any extract from any part of that plant; and every compound, salt, derivative, mixture, or preparation of that plant or its leaves, seeds, or extracts.

Some trade and other names:

Khat

Qat

(u) Cathinone.

(v) ~~Salvia divinorum~~; **Salvia divinorum**; except as provided in subdivision (w), all parts of the plant presently classified botanically as ~~salvia divinorum~~, **Salvia divinorum**, whether growing or not; the leaves and seeds of that plant; any extract from any part of that plant; and every compound, salt, derivative, mixture, or preparation of that plant or its leaves, seeds, or extracts.

(w) Salvinorin A.

(x) Synthetic cathinones. As used in this subdivision, "synthetic cathinones" includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules ~~II-2~~ through ~~V, 5~~, is not approved by the ~~federal food~~ **United States Food** and ~~drug administration~~ **Drug Administration** as a drug, and contains any quantity of the

1 following substances, their salts, isomers (whether optical,
2 positional, or geometric), homologues (analogs), and salts of
3 isomers and homologues (analogs), unless specifically excepted,
4 whenever the existence of these salts, isomers, homologues
5 (analogs), and salts of isomers and homologues (analogs) is
6 possible within the specific chemical designation:

7 (i) Any compound containing a 2-amino-1-propanone structure
8 with substitution at the 1-position with a monocyclic or fused
9 polycyclic ring system and a substitution at the nitrogen atom by
10 an alkyl group, cycloalkyl group, or incorporation into a
11 heterocyclic structure. Examples of this structural class include,
12 but are not limited to, dimethylcathinone, ethcathinone, and alpha-
13 pyrrolidinopropiophenone.

14 (ii) Any compound containing a 2-amino-1-propanone structure
15 with substitution at the 1-position with a monocyclic or fused
16 polycyclic ring system and a substitution at the 3-position carbon
17 with an alkyl, haloalkyl, or alkoxy group. Examples of this
18 structural class include, but are not limited to, naphyrone.

19 (iii) Any compound containing a 2-amino-1-propanone structure
20 with substitution at the 1-position with a monocyclic or fused
21 polycyclic ring system and a substitution at any position of the
22 ring system with an alkyl, haloalkyl, halogen, alkylenedioxy, or
23 alkoxy group, whether or not further substituted at any position on
24 the ring system to any extent. Examples of this structural class
25 include, but are not limited to, mephedrone, methylone, and 3-
26 fluoromethylone.

27 ~~(2) Marihuana, including pharmaceutical-grade cannabis, is a~~
28 ~~schedule 2 controlled substance if it is manufactured, obtained,~~
29 ~~stored, dispensed, possessed, grown, or disposed of in compliance~~

~~with this act and as authorized by federal authority.~~

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

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

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

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

Raw opium	Etorphine hydrochloride
Opium extracts	Hydrocodone
Opium Fluid-extracts	Hydromorphone
Powdered opium	Metopon
Granulated opium	Morphine
Tincture of opium	Oxycodone
Codeine	Oxymorphone
Ethylmorphine	Thebaine

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

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

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

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

Alphaprodine	Fentanyl
Anileridine	Isomethadone
Bezitramide	Levomethorphan
Dihydrocodeine	Levorphanol
Diphenoxylate	Metazocine

Methadone

Methadone-Intermediate, 4-cyano-2dimethylamino-4, 4-diphenyl butane
 Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid

Pethidine

Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
 Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
 Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid

1	Phenazocine	Racemethorphan
2	Piminodine	Racemorphan

3 (c) Unless listed in another schedule, any material, compound,
 4 mixture, or preparation which contains any quantity of the
 5 following substances having potential for abuse associated with a
 6 stimulant effect on the nervous system:

7 (i) Amphetamine, its salts, optical isomers, and salts of its
 8 optical isomers.

9 (ii) Any substance which contains any quantity of
 10 methamphetamine, including its salts, stereoisomers, and salts of
 11 stereoisomers.

12 (iii) Phenmetrazine and its salts.

13 (iv) Methylphenidate and its salts.

14 (d) Any material, compound, mixture, or preparation, including
 15 its salts, isomers, and salts of isomers when the existence of the
 16 salts, isomers, and salts of isomers is possible within the
 17 specific chemical designation as listed in schedule 2, which
 18 contains any quantity of the following substances having a
 19 potential for abuse associated with the depressant effect on the
 20 central nervous system: methaqualone, amobarbital, pentobarbital,
 21 or secobarbital; or, any compound, mixture, or preparation
 22 containing amobarbital, secobarbital, pentobarbital, or any salt
 23 thereof in combination with itself, with another, or with 1 or more
 24 other controlled substances.

25 ~~(e) Marihuana, but only for the purpose of treating a~~
 26 ~~debilitating medical condition as that term is defined in section~~
 27 ~~3(b) of the Michigan medical marihuana act, 2008 IL 1, MCL~~
 28 ~~333.26423, and as authorized under this act.~~

29 (e) ~~(f)~~ Tianeptine sodium.

1 Sec. 7303. (1) A person who manufactures, distributes,
2 prescribes, or dispenses a controlled substance in this state or
3 who proposes to engage in the manufacture, distribution,
4 prescribing, or dispensing of a controlled substance in this state
5 shall obtain a license issued by the administrator in accordance
6 with the rules. A person who has been issued a controlled
7 substances license by the administrator under this article and a
8 license under article 15 shall renew the controlled substances
9 license concurrently with the renewal of the license issued under
10 article 15, and for an equal number of years.

11 (2) A person licensed by the administrator under this article
12 to manufacture, distribute, prescribe, dispense, or conduct
13 research with controlled substances may possess, manufacture,
14 distribute, prescribe, dispense, or conduct research with those
15 substances to the extent authorized by its license and in
16 conformity with the other provisions of this article.

17 ~~(3) A license issued under this article to manufacture,~~
18 ~~distribute, prescribe, or dispense pharmaceutical-grade cannabis~~
19 ~~and the conduct of the licensee is subject to the additional~~
20 ~~requirements of article 8.~~

21 (3) ~~(4)~~ The following persons need not be licensed and may
22 lawfully possess controlled substances or prescription forms under
23 this article:

24 (a) An agent or employee of a licensed manufacturer,
25 distributor, prescriber, or dispenser of a controlled substance if
26 acting in the usual course of the agent's or employee's business or
27 employment.

28 (b) A common or contract carrier or warehouseman, or an
29 employee thereof, whose possession of a controlled substance or

1 prescription form is in the usual course of business or employment.

2 (c) An ultimate user or agent in possession of a controlled
3 substance or prescription form pursuant to a lawful order of a
4 practitioner or in lawful possession of a schedule 5 **controlled**
5 substance.

6 (4) ~~(5)~~—The administrator may waive or include by rule the
7 requirement for licensure of certain manufacturers, distributors,
8 prescribers, or dispensers, if it finds the waiver or inclusion is
9 consistent with the public health and safety.

10 (5) ~~(6)~~—A separate license is required at each principal place
11 of business or professional practice where the applicant
12 manufactures, distributes, prescribes, or dispenses controlled
13 substances.

14 (6) ~~(7)~~—As a requisite for licensure, the administrator may
15 inspect the establishment of a licensee or applicant for licensure
16 in accordance with the administrator's rule.

17 (7) ~~(8)~~—A person licensed under this article to distribute
18 controlled substances shall report to the administrator on a
19 quarterly basis all schedule 2 controlled substances and those
20 controlled substances designated by the administrator pursuant to
21 this subsection that are sold to licensed practitioners and retail
22 pharmacies. The report ~~shall~~**must** be in writing and ~~shall~~ include
23 the name of each licensed practitioner and retail pharmacy to whom
24 the controlled substance was distributed. A report under this
25 subsection may be transmitted electronically, if the transmission
26 is ultimately reduced to writing. The administrator shall designate
27 by rule the controlled substances in schedules 3 to 5 to be
28 reported under this subsection.

29 Sec. 7401. (1) Except as authorized by this article, a person

1 shall not manufacture, create, deliver, or possess with intent to
2 manufacture, create, or deliver a controlled substance, a
3 prescription form, or a counterfeit prescription form. A
4 practitioner licensed by the administrator under this article shall
5 not dispense, prescribe, or administer a controlled substance for
6 other than legitimate and professionally recognized therapeutic or
7 scientific purposes or outside the scope of practice of the
8 practitioner, licensee, or applicant.

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

10 (a) A controlled substance classified in schedule 1 or 2 that
11 is a narcotic drug or a drug described in section 7214(a) (iv) and:

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

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

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

24 (iv) Which is in an amount less than 50 grams, of any mixture
25 containing that substance is guilty of a felony punishable by
26 imprisonment for not more than 20 years or a fine of not more than
27 \$25,000.00, or both.

28 (b) Either of the following:

29 (i) A substance described in section 7212(1) (h) or 7214(c) (ii)

1 is guilty of a felony punishable by imprisonment for not more than
2 20 years or a fine of not more than \$25,000.00, or both.

3 (ii) Any other controlled substance classified in schedule 1,
4 2, or 3, except ~~marihuana or~~ a substance listed in section
5 7212(1)(d), is guilty of a felony punishable by imprisonment for
6 not more than 7 years or a fine of not more than \$10,000.00, or
7 both.

8 (c) A substance classified in schedule 4 is guilty of a felony
9 punishable by imprisonment for not more than 4 years or a fine of
10 not more than \$2,000.00, or both.

11 (d) ~~Marihuana, a mixture containing marihuana, or a~~ **A**
12 substance listed in section 7212(1)(d) is guilty of a felony
13 punishable as follows:

14 (i) If the amount is 45 kilograms or more, ~~or 200 plants or~~
15 ~~more,~~ by imprisonment for not more than 15 years or a fine of not
16 more than \$10,000,000.00, or both.

17 (ii) If the amount is 5 kilograms or more but less than 45
18 kilograms, ~~or 20 plants or more but fewer than 200 plants,~~ by
19 imprisonment for not more than 7 years or a fine of not more than
20 \$500,000.00, or both.

21 (iii) If the amount is less than 5 kilograms, ~~or fewer than 20~~
22 ~~plants,~~ by imprisonment for not more than 4 years or a fine of not
23 more than \$20,000.00, or both.

24 (e) A substance classified in schedule 5 is guilty of a felony
25 punishable by imprisonment for not more than 2 years or a fine of
26 not more than \$2,000.00, or both.

27 (f) A prescription form or a counterfeit prescription form is
28 guilty of a felony punishable by imprisonment for not more than 7
29 years or a fine of not more than \$5,000.00, or both.

1 (3) A term of imprisonment imposed under subsection (2)(a) may
2 be imposed to run consecutively with any term of imprisonment
3 imposed for the commission of another felony.

4 (4) If an individual was sentenced to lifetime probation under
5 subsection (2)(a)(iv) as it existed before March 1, 2003 and the
6 individual has served 5 or more years of that probationary period,
7 the probation officer for that individual may recommend to the
8 court that the court discharge the individual from probation. If an
9 individual's probation officer does not recommend discharge as
10 provided in this subsection, with notice to the prosecutor, the
11 individual may petition the court seeking resentencing under the
12 court rules. The court may discharge an individual from probation
13 as provided in this subsection. An individual may file more than 1
14 motion seeking resentencing under this subsection.

15 ~~(5) As used in this section, "plant" means a marihuana plant~~
16 ~~that has produced cotyledons or a cutting of a marihuana plant that~~
17 ~~has produced cotyledons.~~

18 Sec. 7401c. (1) A person shall not do any of the following:

19 (a) Own, possess, or use a vehicle, building, structure,
20 place, or area that ~~he or she~~ **the person** knows or has reason to
21 know is to be used as a location to manufacture a controlled
22 substance in violation of section 7401 or a counterfeit substance
23 or a controlled substance analogue in violation of section 7402.

24 (b) Own or possess any chemical or any laboratory equipment
25 that ~~he or she~~ **the person** knows or has reason to know is to be used
26 for the purpose of manufacturing a controlled substance in
27 violation of section 7401 or a counterfeit substance or a
28 controlled substance analogue in violation of section 7402.

29 (c) Provide any chemical or laboratory equipment to another

1 person knowing or having reason to know that the other person
2 intends to use that chemical or laboratory equipment for the
3 purpose of manufacturing a controlled substance in violation of
4 section 7401 or a counterfeit substance or a controlled substance
5 analogue in violation of section 7402.

6 (2) A person who violates this section is guilty of a felony
7 punishable as follows:

8 (a) Except as provided in subdivisions (b) to (f), by
9 imprisonment for not more than 10 years or a fine of not more than
10 \$100,000.00, or both.

11 (b) If the violation is committed in the presence of a minor,
12 by imprisonment for not more than 20 years or a fine of not more
13 than \$100,000.00, or both.

14 (c) If the violation involves the unlawful generation,
15 treatment, storage, or disposal of a hazardous waste, by
16 imprisonment for not more than 20 years or a fine of not more than
17 \$100,000.00, or both.

18 (d) If the violation occurs within 500 feet of a residence,
19 business establishment, school property, or church or other house
20 of worship, by imprisonment for not more than 20 years or a fine of
21 not more than \$100,000.00, or both.

22 (e) If the violation involves the possession, placement, or
23 use of a firearm or any other device designed or intended to be
24 used to injure another person, by imprisonment for not more than 25
25 years or a fine of not more than \$100,000.00, or both.

26 (f) If the violation involves or is intended to involve the
27 manufacture of a substance described in section 7214(c) (ii), by
28 imprisonment for not more than 20 years or a fine of not more than
29 \$25,000.00, or both.

1 (3) This section does not apply to a violation involving only
2 a substance described in section 7214(a) (iv) . ~~or marihuana, or both.~~

3 (4) This section does not prohibit the person from being
4 charged with, convicted of, or punished for any other violation of
5 law committed by that person while violating or attempting to
6 violate this section.

7 (5) A term of imprisonment imposed under this section may be
8 served consecutively to any other term of imprisonment imposed for
9 a violation of law arising out of the same transaction.

10 (6) The court may, as a condition of sentence, order a person
11 convicted of a violation punishable under subsection (2) (c) to pay
12 response activity costs arising out of the violation.

13 (7) As used in this section:

14 (a) "Hazardous waste" means that term as defined in section
15 11103 of the natural resources and environmental protection act,
16 1994 PA 451, MCL 324.11103.

17 (b) "Laboratory equipment" means any equipment, device, or
18 container used or intended to be used in the process of
19 manufacturing a controlled substance, counterfeit substance, or
20 controlled substance analogue.

21 (c) "Manufacture" means the production, preparation,
22 propagation, compounding, conversion, or processing of a controlled
23 substance, directly or indirectly by extraction from substances of
24 natural origin, or independently by means of chemical synthesis, or
25 by a combination of extraction and chemical synthesis. Manufacture
26 does not include any of the following:

27 (i) The packaging or repackaging of the substance or labeling
28 or relabeling of its container.

29 (ii) The preparation or compounding of a controlled substance

1 by any of the following:

2 (A) A practitioner as an incident to the practitioner's
3 administering or dispensing of a controlled substance in the course
4 of ~~his or her~~ **the practitioner's** professional practice.

5 (B) A practitioner, or by the practitioner's authorized agent
6 under ~~his or her~~ **the practitioner's** supervision, for the purpose
7 of, or as an incident to, research, teaching, or chemical analysis
8 and not for sale.

9 (d) "Minor" means an individual less than 18 years of age.

10 (e) "Response activity costs" means that term as defined in
11 section 20101 of the natural resources and environmental protection
12 act, 1994 PA 451, MCL 324.20101.

13 (f) "School property" means that term as defined in section
14 7410.

15 (g) "Vehicle" means that term as defined in section 79 of the
16 Michigan vehicle code, 1949 PA 300, MCL 257.79.

17 Sec. 7403. (1) A person shall not knowingly or intentionally
18 possess a controlled substance, a controlled substance analogue, or
19 a prescription form unless the controlled substance, controlled
20 substance analogue, or prescription form was obtained directly
21 from, or pursuant to, a valid prescription or order of a
22 practitioner while acting in the course of the practitioner's
23 professional practice, or except as otherwise authorized by this
24 article.

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

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

28 (i) That is in an amount of 1,000 grams or more of any mixture
29 containing that substance is guilty of a felony punishable by

1 imprisonment for life or any term of years or a fine of not more
2 than \$1,000,000.00, or both.

3 (ii) That is in an amount of 450 grams or more, but less than
4 1,000 grams, of any mixture containing that substance is guilty of
5 a felony punishable by imprisonment for not more than 30 years or a
6 fine of not more than \$500,000.00, or both.

7 (iii) That is in an amount of 50 grams or more, but less than
8 450 grams, of any mixture containing that substance is guilty of a
9 felony punishable by imprisonment for not more than 20 years or a
10 fine of not more than \$250,000.00, or both.

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

15 (v) That is in an amount less than 25 grams of any mixture
16 containing that substance is guilty of a felony punishable by
17 imprisonment for not more than 4 years or a fine of not more than
18 \$25,000.00, or both.

19 (b) Either of the following:

20 (i) A substance described in section 7212(1)(h) or 7214(c) (ii)
21 is guilty of a felony punishable by imprisonment for not more than
22 10 years or a fine of not more than \$15,000.00, or both.

23 (ii) A controlled substance classified in schedule 1, 2, 3, or
24 4, except a controlled substance for which a penalty is prescribed
25 in subparagraph (i) or subdivision (a), (c), or (d), or a controlled
26 substance analogue is guilty of a felony punishable by imprisonment
27 for not more than 2 years or a fine of not more than \$2,000.00, or
28 both.

29 (c) Lysergic acid diethylamide, peyote, mescaline,

1 dimethyltryptamine, psilocyn, psilocybin, or a controlled substance
 2 classified in schedule 5 is guilty of a misdemeanor punishable by
 3 imprisonment for not more than 1 year or a fine of not more than
 4 \$2,000.00, or both.

5 (d) ~~Marihuana or a~~ **A** substance listed in section 7212(1)(d) is
 6 guilty of a misdemeanor punishable by imprisonment for not more
 7 than 1 year or a fine of not more than \$2,000.00, or both.

8 (e) A prescription form is guilty of a misdemeanor punishable
 9 by imprisonment for not more than 1 year or a fine of not more than
 10 \$1,000.00, or both.

11 (3) The following individuals are not in violation of this
 12 section:

13 (a) An individual who seeks medical assistance for ~~himself or~~
 14 ~~herself~~ **the individual** or who requires medical assistance and is
 15 presented for assistance by another individual if ~~he or she~~ **the**
 16 **individual** is incapacitated because of a drug overdose or other
 17 perceived medical emergency arising from the use of a controlled
 18 substance or a controlled substance analogue that ~~he or she~~ **the**
 19 **individual** possesses or possessed in an amount sufficient only for
 20 personal use and the evidence of ~~his or her~~ **the individual's**
 21 violation of this section is obtained as a result of the
 22 individual's seeking or being presented for medical assistance.

23 (b) An individual who in good faith attempts to procure
 24 medical assistance for another individual or who accompanies
 25 another individual who requires medical assistance for a drug
 26 overdose or other perceived medical emergency arising from the use
 27 of a controlled substance or a controlled substance analogue that
 28 ~~he or she~~ **the individual** possesses or possessed in an amount
 29 sufficient only for personal use and the evidence of ~~his or her~~ **the**

1 **individual's** violation of this section is obtained as a result of
2 the individual's attempting to procure medical assistance for
3 another individual or as a result of the individual's accompanying
4 another individual who requires medical assistance to a health
5 facility or agency.

6 (4) A health facility or agency shall develop a process for
7 notification of the parent or parents, guardian, or custodian of a
8 minor under the age of 18 who is not emancipated under 1968 PA 293,
9 MCL 722.1 to 722.6, and who voluntarily presents himself or
10 herself, or is presented by another individual if ~~he or she~~ **the**
11 **minor** is incapacitated, to a health facility or agency for
12 emergency medical treatment as provided in subsection (3). A health
13 facility or agency shall not provide notification to a parent or
14 parents, guardian, or custodian under this subsection for
15 nonemergency treatment without obtaining the minor's consent.

16 (5) The exemption from prosecution under this section provided
17 in subsection (3) does not prevent the investigation, arrest,
18 charging, or prosecution of an individual for any other violation
19 of the laws of this state or be grounds for suppression of evidence
20 in the prosecution of any other criminal charges.

21 (6) If an individual was sentenced to lifetime probation under
22 subsection (2)(a)(iv) as it existed before March 1, 2003 and the
23 individual has served 5 or more years of that probationary period,
24 the probation officer for that individual may recommend to the
25 court that the court discharge the individual from probation. If an
26 individual's probation officer does not recommend discharge as
27 provided in this subsection, with notice to the prosecutor, the
28 individual may petition the court seeking resentencing under the
29 court rules. The court may discharge an individual from probation

1 as provided in this subsection. An individual may file more than 1
2 motion seeking resentencing under this subsection.

3 (7) As used in this section:

4 (a) "Drug overdose" means a condition including, but not
5 limited to, extreme physical illness, decreased level of
6 consciousness, respiratory depression, coma, mania, or death, that
7 is the result of consumption or use of a controlled substance or a
8 controlled substance analogue or a substance with which the
9 controlled substance or controlled substance analogue was combined,
10 or that a layperson would reasonably believe to be a drug overdose
11 that requires medical assistance.

12 (b) "Seeks medical assistance" means reporting a drug overdose
13 or other medical emergency to law enforcement, the 9-1-1 system, a
14 poison control center, or a medical provider, or assisting someone
15 in reporting a drug overdose or other medical emergency.

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

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

23 (a) A controlled substance classified in schedule 1 or 2 as a
24 narcotic drug or a drug described in section 7212(1)(h) or
25 7214(a)(iv) or (c)(ii) is guilty of a misdemeanor punishable by
26 imprisonment for not more than 1 year or a fine of not more than
27 \$2,000.00, or both.

28 (b) A controlled substance classified in schedule 1, 2, 3, or
29 4, except a controlled substance for which a penalty is prescribed

1 in subdivision (a), (c), or (d), or a controlled substance
 2 analogue, is guilty of a misdemeanor punishable by imprisonment for
 3 not more than 1 year or a fine of not more than \$1,000.00, or both.

4 (c) Lysergic acid diethylamide, peyote, mescaline,
 5 dimethyltryptamine, psilocyn, psilocybin, or a controlled substance
 6 classified in schedule 5 is guilty of a misdemeanor punishable by
 7 imprisonment for not more than 6 months or a fine of not more than
 8 \$500.00, or both.

9 (d) ~~Marihuana, catha edulis, salvia divinorum,~~ **Catha edulis,**
 10 **Salvia divinorum,** or a substance described in section 7212(1)(d) or
 11 (i) is guilty of a misdemeanor punishable by imprisonment for not
 12 more than 90 days or a fine of not more than \$100.00, or both.

13 (3) The following individuals are not in violation of this
 14 section:

15 (a) An individual who seeks medical assistance for ~~himself or~~
 16 ~~herself~~ **the individual** or who requires medical assistance and is
 17 presented for assistance by another individual if ~~he or she~~ **the**
 18 **individual** is incapacitated because of a drug overdose or other
 19 perceived medical emergency arising from the use of a controlled
 20 substance or a controlled substance analogue that ~~he or she~~ **the**
 21 **individual** possesses or possessed in an amount sufficient only for
 22 personal use and the evidence of ~~his or her~~ **the individual's**
 23 violation of this section is obtained as a result of the
 24 individual's seeking or being presented for medical assistance.

25 (b) An individual who in good faith attempts to procure
 26 medical assistance for another individual or who accompanies
 27 another individual who requires medical assistance for a drug
 28 overdose or other perceived medical emergency arising from the use
 29 of a controlled substance or a controlled substance analogue that

1 ~~he or she~~**the individual** possesses or possessed in an amount
2 sufficient only for personal use and the evidence of ~~his or her~~**the**
3 **individual's** violation of this section is obtained as a result of
4 the individual's attempting to procure medical assistance for
5 another individual or as a result of the individual's accompanying
6 another individual who requires medical assistance to a health
7 facility or agency.

8 (4) A health facility or agency shall develop a process for
9 notification of the parent or parents, guardian, or custodian of a
10 minor under the age of 18 who is not emancipated under 1968 PA 293,
11 MCL 722.1 to 722.6, and who voluntarily presents himself or
12 herself, or is presented by another individual if ~~he or she~~**the**
13 **minor** is incapacitated, to a health facility or agency for
14 emergency medical treatment as provided in subsection (3). A health
15 facility or agency shall not provide notification to a parent or
16 parents, guardian, or custodian under this subsection for
17 nonemergency treatment without obtaining the minor's consent.

18 (5) The exemption from prosecution under this section provided
19 in subsection (3) does not prevent the investigation, arrest,
20 charging, or prosecution of an individual for any other violation
21 of the laws of this state, or be grounds for suppression of
22 evidence in the prosecution of any other criminal charges.

23 (6) As used in this section:

24 (a) "Drug overdose" means a condition including, but not
25 limited to, extreme physical illness, decreased level of
26 consciousness, respiratory depression, coma, mania, or death, that
27 is the result of consumption or use of a controlled substance or a
28 controlled substance analogue or a substance with which the
29 controlled substance or controlled substance analogue was combined,

1 or that a layperson would reasonably believe to be a drug overdose
2 that requires medical assistance.

3 (b) "Seeks medical assistance" means reporting a drug overdose
4 or other medical emergency to law enforcement, the 9-1-1 system, a
5 poison control center, or a medical provider, or assisting someone
6 in reporting a drug overdose or other medical emergency.

7 Sec. 7410. (1) Except as otherwise provided in subsections (2)
8 and (3), an individual 18 years of age or over who violates section
9 7401(2) (a) (iv) by delivering or distributing a controlled substance
10 listed in schedule 1 or 2 that is either a narcotic drug or
11 described in section 7214(a) (iv) to an individual under 18 years of
12 age who is at least 3 years the deliverer's or distributor's junior
13 may be punished by the fine authorized by section 7401(2) (a) (iv) or
14 by a term of imprisonment of not less than 1 year nor more than
15 twice that authorized by section 7401(2) (a) (iv), or both. An
16 individual 18 years of age or over who violates section 7401 or
17 7401b by delivering or distributing any other controlled substance
18 listed in schedules 1 to 5 or gamma-butyrolactone to an individual
19 under 18 years of age who is at least 3 years the distributor's
20 junior may be punished by the fine authorized by section
21 7401(2) (b), (c), or (d) or 7401b, or by a term of imprisonment not
22 more than twice that authorized by section 7401(2) (b), (c), or (d)
23 or 7401b, or both.

24 (2) An individual 18 years of age or over who violates section
25 7401(2) (a) (iv) by delivering a controlled substance described in
26 schedule 1 or 2 that is either a narcotic drug or described in
27 section 7214(a) (iv) to another person on or within 1,000 feet of
28 school property or a library shall be punished, subject to
29 subsection (5), by a term of imprisonment of not less than 2 years

1 or more than 3 times that authorized by section 7401(2)(a)(iv) and,
2 in addition, may be punished by a fine of not more than 3 times
3 that authorized by section 7401(2)(a)(iv).

4 (3) An individual 18 years of age or over who violates section
5 7401(2)(a)(iv) by possessing with intent to deliver to another
6 person on or within 1,000 feet of school property or a library a
7 controlled substance described in schedule 1 or 2 that is either a
8 narcotic drug or described in section 7214(a)(iv) shall be punished,
9 subject to subsection (5), by a term of imprisonment of not less
10 than 2 years or more than twice that authorized by section
11 7401(2)(a)(iv) and, in addition, may be punished by a fine of not
12 more than 3 times that authorized by section 7401(2)(a)(iv).

13 (4) An individual 18 years of age or over who violates section
14 7401b or 7403(2)(a)(v), (b), (c), or (d) by possessing gamma-
15 butyrolactone or a controlled substance on or within 1,000 feet of
16 school property or a library shall be punished by a term of
17 imprisonment or a fine, or both, of not more than twice that
18 authorized by section 7401b or 7403(2)(a)(v), (b), (c), or (d).

19 (5) The court may depart from the minimum term of imprisonment
20 authorized under subsection (2) or (3) if the court finds on the
21 record that there are substantial and compelling reasons to do so.

22 (6) An individual 18 years of age or over who violates section
23 7401 by manufacturing methamphetamine as that term is described in
24 section 7214(c)(ii) on or within 1,000 feet of school property or a
25 library shall be punished by a term of imprisonment or a fine, or
26 both, of not more than twice that authorized by section
27 7401(2)(b)(i).

28 ~~(7) A person who distributes marihuana without remuneration~~
29 ~~and not to further commercial distribution and who does not violate~~

~~subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both, unless the distribution is in accordance with the federal law or the law of this state.~~

(7) ~~(8)~~ As used in this section:

(a) "Library" means a library that is established by the state; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of government and authorities; a community college district; a college or university; or any private library open to the public.

(b) "School property" means a building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten ~~through~~ to 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

Sec. 7411. (1) When an individual who has not previously been convicted of an offense under this article or under any statute of the United States or of any state relating to narcotic drugs, coca leaves, ~~marihuana~~, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 7403(2)(a)(v), 7403(2)(b), (c), or (d), or of use of a controlled substance under section 7404, or possession or use of an imitation controlled substance under section 7341 for a second time, the court, without entering a judgment of guilt with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that ~~shall~~ **must** include, but are not limited to, payment of a probation supervision fee as prescribed in section

1 3c of chapter XI of the code of criminal procedure, 1927 PA 175,
2 MCL 771.3c. The terms and conditions of probation may include
3 participation in a drug treatment court under chapter 10A of the
4 revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to
5 ~~600.1084.~~ **600.1088.** Upon violation of a term or condition, the
6 court may enter an adjudication of guilt and proceed as otherwise
7 provided. Upon fulfillment of the terms and conditions, the court
8 shall discharge the individual and dismiss the proceedings.
9 Discharge and dismissal under this section ~~shall~~ **must** be without
10 adjudication of guilt and, except as otherwise provided by law, is
11 not a conviction for purposes of this section or for purposes of
12 disqualifications or disabilities imposed by law upon conviction of
13 a crime, including the additional penalties imposed for second or
14 subsequent convictions under section 7413. There may be only 1
15 discharge and dismissal under this section as to an individual.

16 (2) All court proceedings under this section ~~shall~~ **must** be
17 open to the public. Except as provided in subsection (3), if the
18 record of proceedings as to the defendant is deferred under this
19 section, the record of proceedings during the period of deferral
20 ~~shall~~ **must** be closed to public inspection.

21 (3) Unless the court enters a judgment of guilt under this
22 section, the department of state police shall retain a nonpublic
23 record of the arrest, court proceedings, and disposition of the
24 criminal charge under this section. However, the nonpublic record
25 ~~shall~~ **must** be open to the following individuals and entities for
26 the purposes noted:

27 (a) The courts of this state, law enforcement personnel, the
28 department of corrections, and prosecuting attorneys for use only
29 in the performance of their duties or to determine whether an

1 employee of the court, law enforcement agency, department of
2 corrections, or prosecutor's office has violated ~~his or her~~ **the**
3 **employee's** conditions of employment or whether an applicant meets
4 criteria for employment with the court, law enforcement agency,
5 department of corrections, or prosecutor's office.

6 (b) The courts of this state, law enforcement personnel, and
7 prosecuting attorneys for ~~the purpose of showing~~ either of the
8 following **purposes**:

9 (i) ~~That~~ **Showing that** a defendant has already once **been** availed
10 ~~himself or herself~~ of this section.

11 (ii) Determining whether the defendant in a criminal action is
12 eligible for discharge and dismissal of proceedings by a drug
13 treatment court under section 1076 of the revised judicature act of
14 1961, 1961 PA 236, MCL 600.1076.

15 (c) The department of **health and** human services for enforcing
16 child protection laws and vulnerable adult protection laws or
17 ascertaining the preemployment criminal history of any individual
18 who will be engaged in the enforcement of child protection laws or
19 vulnerable adult protection laws.

20 (d) The Michigan commission on law enforcement standards
21 created in section 3 of the Michigan commission on law enforcement
22 standards act, 1965 PA 203, MCL 28.603, as follows:

23 (i) ~~The~~ **If the** court placed the individual on probation after
24 March 25, 2002.

25 (ii) If, at the time of the request, the individual is seeking
26 licensure as a law enforcement officer under the Michigan
27 commission on law enforcement standards act, 1965 PA 203, MCL
28 28.601 to 28.615, the Michigan commission on law enforcement
29 standards may use the record to determine whether the individual

1 meets the requirements for licensure as provided in that act.

2 (iii) If the individual is licensed or certified as a law
3 enforcement officer under the Michigan commission on law
4 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, the
5 Michigan commission on law enforcement standards may use the record
6 to determine whether the license or certificate may be revoked as
7 provided in that act.

8 (iv) If the individual is seeking admission to a law
9 enforcement training academy, the Michigan commission on law
10 enforcement standards may use the record to determine whether the
11 individual meets the requirements for admission to the academy as
12 provided in the Michigan commission on law enforcement standards
13 act, 1965 PA 203, MCL 28.601 to 28.615.

14 (v) If the individual is seeking a waiver from the law
15 enforcement officer minimum standards regarding training
16 requirements, the Michigan commission on law enforcement standards
17 may use the record to determine whether the individual meets the
18 requirements for the waiver as provided in the Michigan commission
19 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
20 28.615.

21 (4) For purposes of this section, a person subjected to a
22 civil fine for a first violation of section 7341(4) ~~shall-is~~ not be
23 considered to have previously been convicted of an offense under
24 this article.

25 (5) Except as provided in subsection (6), if an individual is
26 convicted of a violation of this article, other than a violation of
27 section 7401(2)(a)(i) to (iv) or section 7403(2)(a)(i) to (iv), the
28 court as part of the sentence, during the period of confinement or
29 the period of probation, or both, may require the individual to

1 attend a course of instruction or rehabilitation program approved
2 by the department on the medical, psychological, and social effects
3 of the misuse of drugs. The court may order the individual to pay a
4 fee, as approved by the director, for the instruction or program.
5 Failure to complete the instruction or program is a violation of
6 the terms of probation.

7 (6) If an individual is convicted of a second violation of
8 section 7341(4), before imposing sentence under subsection (1), the
9 court shall order the ~~person~~**individual** to undergo screening and
10 assessment by a person or agency designated by the office of
11 substance abuse services, to determine whether the ~~person~~
12 **individual** is likely to benefit from rehabilitative services,
13 including alcohol or drug education and alcohol or drug treatment
14 programs. As part of the sentence imposed under subsection (1), the
15 court may order the ~~person~~**individual** to participate in and
16 successfully complete 1 or more appropriate rehabilitative
17 programs. The ~~person~~**individual** shall pay for the costs of the
18 screening, assessment, and rehabilitative services. Failure to
19 complete a program is a violation of the terms of the probation.

20 Sec. 7413. (1) Except as otherwise provided in subsection (2)
21 an individual convicted of a second or subsequent offense under
22 this article may be imprisoned for a term not more than twice the
23 term otherwise authorized or fined an amount not more than twice
24 that otherwise authorized, or both.

25 (2) An individual convicted of a second or subsequent offense
26 under section 7410(2) or (3) must be punished, subject to
27 subsection (3), by a term of imprisonment of not less than 5 years
28 nor more than twice that authorized under section 7410(2) or (3)
29 and, in addition, may be punished by a fine of not more than 3

1 times that authorized by section 7410(2) or (3); and is not
 2 eligible for probation or suspension of sentence during the term of
 3 imprisonment.

4 (3) The court may depart from the minimum term of imprisonment
 5 authorized under subsection (2) if the court finds on the record
 6 that there are substantial and compelling reasons to do so.

7 (4) For purposes of subsection (1), an offense is considered a
 8 second or subsequent offense, if, before conviction of the offense,
 9 the offender has at any time been convicted under this article or
 10 under any statute of the United States or of any state relating to
 11 a narcotic drug, ~~marihuana~~, depressant, stimulant, or
 12 hallucinogenic drug.

13 Sec. 7416. (1) A person 17 years of age or over who recruits,
 14 induces, solicits, or coerces a minor less than 17 years of age to
 15 commit or attempt to commit any act that would be a felony under
 16 this part if committed by an adult is guilty of a felony and may be
 17 punished by a fine of not more than the fine authorized by this
 18 part for an adult who commits such an act, and shall be punished,
 19 subject to subsection (3), as follows:

20 (a) Except as provided in subdivision (b), by imprisonment for
 21 not less than 1/2 of the maximum term of imprisonment authorized by
 22 this part for an adult who commits such an act and not more than
 23 the maximum term of imprisonment authorized by this part for an
 24 adult who commits such an act.

25 (b) If the act to be committed or attempted by the minor is a
 26 violation of section 7401(2)(a)(i), by imprisonment for life.

27 (2) A person subject to a sentence under subsection (1) ~~shall~~
 28 ~~is~~ not ~~be~~ subject to a delayed sentence or a suspended sentence and
 29 ~~shall~~ ~~is~~ not ~~be~~ eligible for probation.

1 (3) The court may depart from a minimum term of imprisonment
2 authorized under subsection (1)(a) or (b) if the court finds on the
3 record that there are substantial and compelling reasons to do so.

4 (4) ~~Subsection (1)(a) does not apply to an act that is a~~
5 ~~violation of section 7401(2)(d) and that involves the manufacture,~~
6 ~~delivery, or possession with intent to deliver of marihuana.~~ This
7 section applies whether or not the person 17 years of age or older
8 knew or had reason to know the age of the minor less than 17 years
9 of age.

10 Sec. 7451. As used in sections 7453 to 7461 and section 7521,
11 "drug paraphernalia" means any equipment, product, material, or
12 combination of equipment, products, or materials, which is
13 specifically designed for use in planting; propagating;
14 cultivating; growing; harvesting; manufacturing; compounding;
15 converting; producing; processing; preparing; testing; analyzing;
16 packaging; repackaging; storing; containing; concealing; injecting,
17 ingesting, inhaling, or otherwise introducing into the human body a
18 controlled substance; including, but not limited to, all of the
19 following:

20 (a) An isomerization device specifically designed for use in
21 increasing the potency of any species of plant ~~which plant~~ **that** is
22 a controlled substance.

23 (b) Testing equipment specifically designed for use in
24 identifying or in analyzing the strength, effectiveness, or purity
25 of a controlled substance.

26 (c) A weight scale or balance specifically designed for use in
27 weighing or measuring a controlled substance.

28 (d) A diluent or adulterant, including, but not limited to,
29 quinine hydrochloride, mannitol, mannite, dextrose, and lactose,

1 specifically designed for use with a controlled substance.

2 ~~(e) A separation gin or sifter specifically designed for use~~
3 ~~in removing twigs and seeds from, or in otherwise cleaning or~~
4 ~~refining, marihuana.~~

5 (e) ~~(f)~~—An object specifically designed for use in ingesting,
6 inhaling, or otherwise introducing ~~marihuana~~, cocaine, hashish, or
7 hashish oil into the human body.

8 (f) ~~(g)~~—A kit specifically designed for use in planting,
9 propagating, cultivating, growing, or harvesting any species of
10 plant ~~which~~ **that** is a controlled substance or from which a
11 controlled substance can be derived.

12 (g) ~~(h)~~—A kit specifically designed for use in manufacturing,
13 compounding, converting, producing, processing, or preparing
14 controlled substances.

15 (h) ~~(i)~~—A device, commonly known as a cocaine kit, that is
16 specifically designed for use in ingesting, inhaling, or otherwise
17 introducing controlled substances into the human body, and which
18 consists of at least a razor blade and a mirror.

19 (i) ~~(j)~~—A device, commonly known as a bullet, that is
20 specifically designed to deliver a measured amount of controlled
21 substances to the user.

22 (j) ~~(k)~~—A device, commonly known as a snorter, that is
23 specifically designed to carry a small amount of controlled
24 substances to the user's nose.

25 (k) ~~(l)~~—A device, commonly known as an automotive safe, that is
26 specifically designed to carry and conceal a controlled substance
27 in an automobile, including, but not limited to, a can used for
28 brake fluid, oil, or carburetor cleaner ~~which~~ **that** contains a
29 compartment for carrying and concealing controlled substances.

1 (l) ~~(m)~~—A spoon, with or without a chain attached, that has a
 2 small diameter bowl and that is specifically designed for use in
 3 ingesting, inhaling, or otherwise introducing controlled substances
 4 into the human body.

5 Sec. 8105. (1) "Marihuana" means that term as defined in
 6 ~~section 7106~~ **section 3 of the Michigan Regulation and Taxation of**
 7 **Marihuana Act, 2018 IL 1, MCL 333.27953**, and includes
 8 pharmaceutical-grade cannabis.

9 (2) "Medical use" means the purchase, sale, possession, use,
 10 internal possession, delivery, transfer, or transportation of
 11 pharmaceutical-grade cannabis or paraphernalia relating to the
 12 administration of pharmaceutical-grade cannabis to treat or
 13 alleviate an eligible patient's debilitating medical condition.

14 (3) "Michigan medical marihuana act" means the Michigan
 15 medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

16 (4) "Pharmaceutical-grade cannabis" means a grade of cannabis
 17 that is cultivated for the purposes of this article; that is free
 18 of chemical residues such as fungicides and insecticides and is
 19 tested by validated methods to determine its cannabinoid levels,
 20 specifically, THC and THC acid levels and CBD and CBD acid levels
 21 and complies with the standards set forth in section 8303(6) for
 22 its microbial, mycotoxin, and metal contents, including heavy
 23 metals; and that meets any other necessary requirements to be
 24 considered in compliance with good manufacturing practices as
 25 prescribed in rules promulgated by the department under this
 26 article.

27 (5) "Pharmaceutical-grade cannabis fund" or "fund" means the
 28 pharmaceutical-grade cannabis fund created in section 8113.

29 (6) "Pharmaceutical-grade cannabis licensed facility" or

"licensed facility" means any secure entity, operation, or facility at or through which pharmaceutical-grade cannabis is manufactured, cultivated, and tested in this state for lawful medical use as provided for in this article and the Michigan medical marihuana act. Pharmaceutical-grade cannabis licensed facility does not include a qualifying patient or primary caregiver who possesses or cultivates marihuana in the manner prescribed in the Michigan medical marihuana act or an eligible patient who possesses pharmaceutical-grade cannabis in the manner prescribed in this article.

Sec. 8109. ~~(1) A person shall not manufacture, distribute, prescribe, or dispense pharmaceutical-grade cannabis without first obtaining a license to manufacture, distribute, prescribe, or dispense a controlled substance under article 7.~~

~~(2) A license issued under article 7 to manufacture, distribute, prescribe, or dispense pharmaceutical-grade cannabis and the conduct of a person licensed to manufacture, distribute, prescribe, or dispense pharmaceutical-grade cannabis under that license is subject to the additional requirements of this article.~~

~~(3) Article 7 and this~~ **This** article ~~do~~ **does** not apply to conduct permitted under the Michigan medical marihuana act.

Sec. 8111. (1) Beginning on the effective date of this article, the director may charge a reasonable fee for licensing, registration, inspection, testing, investigation, or other activity or service provided by the department under this article. ~~The fee authorized under this subsection is in addition to any fee authorized under article 7.~~ All fees permitted under this section ~~shall~~ **must** be delivered to the state treasurer on a monthly basis for deposit in the pharmaceutical-grade cannabis fund.

1 (2) Before collecting a fee under this article, the department
2 shall develop and publish a comprehensive schedule of fees. The
3 schedule ~~shall~~**must** include a description of each activity or
4 service and the maximum fee charged for that activity or service.
5 The department shall include a statement of the rationale used in
6 determining the fees contained in the schedule. The department
7 shall revise the fee schedule from time to time so that the amount
8 of fees collected under this article does not exceed the amount
9 necessary to fund the duties of the department under this article.

10 Sec. 8154. (1) Each prescription for pharmaceutical-grade
11 cannabis ~~shall~~**must** contain all of the following information:

12 (a) The date the prescription is written.

13 (b) The date the prescription is filled.

14 (c) The dosage and instructions for use, which ~~shall~~**must**
15 include the percentage of total THC and the percentage of total
16 CBD. A prescription for pharmaceutical-grade cannabis ~~shall~~**must**
17 not allow the individual to whom the prescription is issued to
18 obtain more than 2.5 ounces of pharmaceutical-grade cannabis.
19 Pharmaceutical-grade cannabis must be kept only in the original
20 packaging or container provided by the manufacturer or by the
21 dispensing pharmacy.

22 (d) The name, address, and federal drug enforcement
23 administration number of the dispensing pharmacy and the initials
24 of the pharmacist who fills the prescription.

25 (e) The name, address, and date of birth of the eligible
26 patient for whom the pharmaceutical-grade cannabis is prescribed.

27 (f) The product brand name, if a brand name is specified by
28 the prescriber.

29 ~~(2) The department shall require the use of the electronic~~

~~system established under section 7333a for monitoring pharmaceutical-grade cannabis dispensed under this section as a schedule 2 controlled substance.~~

(2) ~~(3)~~—The director shall permit access to information submitted to the department under this article only to the following individuals and as provided in this article:

(a) Employees and agents of the department authorized by the director of the department.

~~(b) Employees of state, county, and other local law enforcement entities authorized by the administrator as defined in article 7 for the purpose of cooperating and assisting a governmental agency that is responsible for the enforcement of laws relating to controlled substances or a prescribing physician or pharmacy concerning an individual suspected of attempting to obtain a controlled substance by fraud, deceit, or misrepresentation.~~

(b) ~~(c)~~—A person with whom the department has contracted under subsection ~~(8)~~. ~~(7)~~.

(3) ~~(4)~~—Information submitted to the department under this section is confidential, but may be released to persons authorized by the director to conduct research studies or to other persons authorized by the director. However, subject to subsection ~~(5)~~ ~~(4)~~ and section 8153, information ~~shall~~ **must** be released for statistical purposes only.

(4) ~~(5)~~—The system for retrieval of information submitted to the department under this section ~~shall~~ **must** be designed in all respects so as to preclude improper access to information.

(5) ~~(6)~~—Except as otherwise provided in this part, information submitted to the department under this section ~~shall~~ **must** be used only for bona fide drug-related criminal investigatory or

1 evidentiary purposes or for investigatory or evidentiary purposes
 2 in connection with the functions of 1 or more of the licensing
 3 boards created in article 15.

4 (6) ~~(7)~~—The identity of an individual eligible patient that is
 5 submitted to the department under this section ~~shall—must~~ be
 6 removed from the system for retrieval of the information described
 7 in this section and ~~shall—must~~ be destroyed and rendered
 8 irretrievable not later than the end of the calendar year following
 9 the year in which the information was submitted to the department.
 10 However, an individual eligible patient identity that is necessary
 11 for use in a specific ongoing investigation conducted in accordance
 12 with this act may be retained in the system until the end of the
 13 year in which the necessity for retention of the identity ends.

14 (7) ~~(8)~~—The department may enter into contractual agreements
 15 for the administration of this section.

16 Sec. 8501. (1) The department shall enforce this article ~~and~~
 17 ~~the applicable provisions of article 7~~ and shall conduct at least 1
 18 inspection of each pharmaceutical-grade cannabis licensed facility
 19 during the term of its license to ensure compliance with the
 20 requirements of this article. ~~and article 7.~~

21 (2) Upon a finding that an emergency exists requiring
 22 immediate action to protect the public health, safety, and welfare,
 23 the department may issue an order to suspend the license of a
 24 pharmaceutical-grade cannabis licensed facility without notice or
 25 hearing. The order ~~shall—must~~ recite the existence of the emergency
 26 and the facts supporting a determination of the need to protect
 27 public health, safety, and welfare. Notwithstanding this act or the
 28 administrative procedures act of 1969, the order ~~shall be—~~**is**
 29 effective immediately. A person to whom the order is directed shall

1 comply immediately but, on application to the department, ~~shall~~
2 **must** be afforded a hearing within 15 days. On the basis of the
3 hearing, the order of summary suspension ~~shall~~**must** be continued,
4 modified, or dissolved not later than 30 days after the hearing.

5 Sec. 8503. (1) In addition to any other penalties prescribed
6 or remedies provided in this article ~~, article 7,~~ and article 15,
7 the department may, on its own motion or on receipt of a complaint,
8 and after an investigation and a hearing before an administrative
9 law judge at which the pharmaceutical-grade cannabis licensed
10 facility licensee is afforded an opportunity to be heard, suspend
11 or revoke a facility license issued under this article. The
12 department may suspend or revoke a license for any violation by the
13 licensee, a board member, an agent, or an employee of the licensed
14 facility or of any of the terms, conditions, or provisions of the
15 license issued by the department. The department may administer
16 oaths and issue subpoenas to require the presence of persons and
17 the production of papers, books, and records necessary to the
18 determination of any hearing that the department is authorized to
19 conduct.

20 (2) The department shall provide notice of suspension or
21 revocation, as well as any required notice of a hearing, by mailing
22 the same in writing to the licensed facility at the address
23 contained in the license. If a license is suspended or revoked, ~~no~~
24 **the department shall not return to the licensee any** part of the
25 fees paid for the license under this article. ~~or under article 7~~
26 ~~shall be returned to the licensee.~~ The department may summarily
27 suspend a license without notice pending any prosecution,
28 investigation, or public hearing.

29 Sec. 18817. (1) A veterinarian may consult with an owner on

1 the use of marihuana or industrial hemp on an animal of the owner.

2 (2) As used in this section:

3 (a) "Industrial hemp" means that term as defined in section
4 ~~7106.3~~ **of the Michigan Regulation and Taxation of Marihuana Act,**
5 **2018 IL 1, MCL 333.27953.**

6 (b) "Marihuana" means that term as defined in section ~~7106.3~~
7 **of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL**
8 **1, MCL 333.27953.**

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.