

HOUSE BILL No. 4324

March 11, 1987, Introduced by Rep. Bennett and referred to the Committee on Public Health.

A bill to amend section 7401 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being section 333.7401 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7401 of Act No. 368 of the Public Acts
2 of 1978, being section 333.7401 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 7401. (1) Except as authorized by this article, a
5 person shall not manufacture, deliver, or possess with intent to
6 manufacture or deliver, a controlled substance. A practitioner
7 licensed by the administrator under this article shall not dis-
8 pense, prescribe, or administer a controlled substance for other
9 than legitimate and professionally recognized therapeutic or

1 scientific purposes or outside the scope of practice of the
2 practitioner, licensee, or applicant.

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

4 (a) A controlled substance classified in schedule 1 or 2
5 which is either a narcotic drug or described in section 7214(a)
6 (iv) and:

7 (i) Which is in an amount of 650 grams or more of any mix-
8 ture containing that substance is guilty of a felony and shall be
9 imprisoned for life.

10 (ii) Which is in an amount of 225 grams or more, but less
11 than 650 grams, of any mixture containing that substance is
12 guilty of a felony and shall be imprisoned for not less than 20
13 years nor more than 30 years.

14 (iii) Which is in an amount of 50 grams or more, but less
15 than 225 grams, of any mixture containing that substance is
16 guilty of a felony and shall be either imprisoned for not less
17 than 10 years nor more than 20 years or placed on probation for
18 life.

19 (iv) Which is in an amount less than 50 grams of any mixture
20 containing that substance is guilty of a felony and may be
21 imprisoned for not more than 20 years, or fined not more than
22 \$25,000.00, or both.

23 (b) Any other controlled substance classified in schedule 1,
24 2, or 3, except marihuana, is guilty of a felony, punishable by
25 imprisonment for not more than 7 years, or a fine of not more
26 than \$5,000.00, or both.

1 (c) A substance classified in schedule 4 or marihuana, is
2 guilty of a felony, punishable by imprisonment for not more than
3 4 years, or a fine of not more than \$2,000.00, or both.

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

7 (3) A term of imprisonment imposed pursuant to subsection
8 (2) (a)(i), (ii), or (iii) or section 7403(2)(a)(i), (ii), or
9 (iii) shall be imposed to run consecutively with any term of
10 imprisonment imposed for the commission of another felony. An
11 individual subject to a mandatory term of imprisonment under sub-
12 section (2)(a)(i), (ii), or (iii) or section 7403(2)(a)(i), (ii),
13 or (iii) shall not be eligible for probation, suspension of that
14 sentence, or parole during that mandatory term, except and only
15 to the extent that those provisions permit probation for life.

16 (4) A PERSON WHO VIOLATES THIS SECTION AS TO A CONTROLLED
17 SUBSTANCE CLASSIFIED IN SCHEDULE 1 OR 2 WHICH IS EITHER A NAR-
18 COTIC DRUG OR DESCRIBED IN SECTION 7214(A)(iv) IN ANY AMOUNT OF
19 ANY MIXTURE CONTAINING THAT SUBSTANCE IS GUILTY OF A FELONY AND
20 SHALL BE IMPRISONED FOR LIFE IF BOTH OF THE FOLLOWING ARE MET:

21 (A) THE PERSON MAKES THE INITIAL DELIVERY OR DISTRIBUTION OF
22 THE CONTROLLED SUBSTANCE IN THIS STATE, OR IS THE FIRST PERSON TO
23 POSSESS WITH INTENT TO DELIVER THE CONTROLLED SUBSTANCE IN THIS
24 STATE BY TAKING DELIVERY OR DISTRIBUTION.

25 (B) THE CONTROLLED SUBSTANCE ULTIMATELY IS DELIVERED TO A
26 MINOR WHO IS A PUPIL IN AN ELEMENTARY OR SECONDARY GRADE IN A
27 PUBLIC OR NONPUBLIC SCHOOL IN THIS STATE.