

SENATE BILL No. 63

February 12, 1991, Introduced by Senators GEAKE, WELBORN, EHLERS, DI NELLO, EMMONS, KELLY, CRUCE, CARL, ARTHURHULTZ and DE GROW and referred to the Committee on Judiciary.

A bill to amend sections 7401, 7402, 7403, 7404, and 7407 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code,"

sections 7401 and 7403 as amended by Act No. 143 of the Public Acts of 1989 and sections 7402 and 7407 as amended by Act No. 60 of the Public Acts of 1988, being sections 333.7401, 333.7402, 333.7403, 333.7404, and 333.7407 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7401, 7402, 7403, 7404, and 7407 of Act
2 No. 368 of the Public Acts of 1978, sections 7401 and 7403 as
3 amended by Act No. 143 of the Public Acts of 1989 and sections
4 7402 and 7407 as amended by Act No. 60 of the Public Acts of
5 1988, being sections 333.7401, 333.7402, 333.7403, 333.7404, and
6 333.7407 of the Michigan Compiled Laws, are amended to read as
7 follows:

1 Sec. 7401. (1) Except as authorized by this article, a
2 person shall not manufacture, deliver, or possess with intent to
3 manufacture or deliver, a controlled substance, a prescription
4 form, an official prescription form, or a counterfeit prescrip-
5 tion form. A practitioner licensed by the administrator under
6 this article shall not dispense, prescribe, or administer a con-
7 trolled substance for other than legitimate and professionally
8 recognized therapeutic or scientific purposes or outside the
9 scope of practice of the practitioner, licensee, or applicant.

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

11 (a) A controlled substance classified in schedule 1 or 2
12 which is either a narcotic drug or described in section 7214(a)
13 (iv) and:

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

17 (ii) Which is in an amount of 225 grams or more, but less
18 than 650 grams, of any mixture containing that controlled sub-
19 stance is guilty of a felony and shall be imprisoned for not less
20 than 20 years nor more than 30 years.

21 (iii) Which is in an amount of 50 grams or more, but less
22 than 225 grams, of any mixture containing that controlled sub-
23 stance is guilty of a felony and shall be imprisoned for not less
24 than 10 years nor more than 20 years.

25 (iv) Which is in an amount less than 50 grams, of any mix-
26 ture containing that substance is guilty of a felony and shall be
27 imprisoned for not less than 1 year nor more than 20 years, and

1 may be fined not more than \$25,000.00, or placed on probation for
2 life.

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

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

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

13 (e) An official prescription form or a counterfeit official
14 prescription form, is guilty of a felony, punishable by imprison-
15 ment for not more than 20 years, or a fine of not more than
16 \$25,000.00, or both.

17 (f) A prescription form or a counterfeit prescription form
18 other than an official prescription form or a counterfeit offi-
19 cial prescription form, is guilty of a felony, punishable by
20 imprisonment for not more than 7 years, or a fine of not more
21 than \$5,000.00, or both.

22 (3) A term of imprisonment imposed pursuant to subsection
23 (2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv) shall be
24 imposed to run consecutively with any term of imprisonment
25 imposed for the commission of another felony. An individual
26 subject to a mandatory term of imprisonment under subsection
27 (2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv) shall not

1 be eligible for probation, suspension of that sentence, or parole
2 during that mandatory term, except and only to the extent that
3 those provisions permit probation for life, and shall not receive
4 a reduction in that mandatory term of imprisonment by disci-
5 plinary credits or any other type of sentence credit reduction.

6 (4) The court may depart from the minimum term of imprison-
7 ment authorized under subsection (2)(a)(ii), (iii), or (iv) if
8 the court finds on the record that there are substantial and com-
9 pelling reasons to do so.

10 (5) IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION
11 OF THIS SECTION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO
12 SUSPEND THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
13 LESS THAN 18 YEARS OF AGE, OR SHALL ORDER THE SECRETARY OF STATE
14 TO DENY ISSUANCE OF AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
15 TO THE PERSON, AS FOLLOWS:

16 (A) FOR A PERIOD OF 6 MONTHS, IF THAT PERSON HAS NOT PREVI-
17 OUSLY BEEN CONVICTED OF, OR RECEIVED A PROBATE COURT ORDER OF
18 DISPOSITION FOR, ANY OF THE FOLLOWING:

19 (i) A VIOLATION OF THIS SECTION OR OF SECTION 7402, 7403,
20 7404, OR 7407.

21 (ii) A VIOLATION OF SECTION 625(1) OR (2) OR 625B OF THE
22 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
23 BEING SECTIONS 257.625 AND 257.625B OF THE MICHIGAN COMPILED
24 LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
25 625(1) OR (2) OR 625B OF THE MICHIGAN VEHICLE CODE, ACT NO. 300
26 OF THE PUBLIC ACTS OF 1949.

1 (iii) A VIOLATION OF SECTION 33A(1) OR 33B OF THE MICHIGAN
2 LIQUOR CONTROL ACT, ACT NO. 8 OF THE EXTRA SESSION OF THE PUBLIC
3 ACTS OF 1933, BEING SECTIONS 436.33A AND 436.33B OF THE MICHIGAN
4 COMPILED LAWS.

5 (B) UNTIL THAT PERSON ATTAINS 18 YEARS OF AGE OR GRADUATES
6 FROM HIGH SCHOOL, WHICHEVER IS LATER, BUT NOT LATER THAN THE DATE
7 THAT THE PERSON ATTAINS 21 YEARS OF AGE WITHOUT HAVING GRADUATED
8 FROM HIGH SCHOOL IF THAT PERSON HAS PREVIOUSLY BEEN CONVICTED OF,
9 OR RECEIVED A PROBATE COURT ORDER OF DISPOSITION FOR, A VIOLATION
10 DESCRIBED IN SUBDIVISION (A).

11 (6) THE COURT MAY MODIFY OR WITHDRAW AN ORDER DIRECTING THE
12 SECRETARY OF STATE TO SUSPEND OR DENY ISSUANCE OF THE OPERATOR'S
13 LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON 14 YEARS OF AGE OR
14 OLDER BUT LESS THAN 18 YEARS OF AGE IN THE MANNER PROVIDED BY
15 LAW, EXCEPT AS FOLLOWS:

16 (A) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
17 UNDER SUBSECTION (5) (A), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
18 RATION OF 90 DAYS AFTER THE ORDER IS ISSUED.

19 (B) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
20 UNDER SUBSECTION (5) (B), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
21 RATION OF 1 YEAR AFTER THE ORDER IS ISSUED.

22 (7) THE COURT SHALL ORDER A PERSON LESS THAN 18 YEARS OF AGE
23 WHO VIOLATES THIS SECTION TO ATTEND A SUBSTANCE ABUSE EDUCATIONAL
24 PROGRAM SELECTED BY THE COURT.

25 Sec. 7402. (1) Except as authorized by this article, a
26 person shall not create, deliver, or possess with intent to
27 deliver, a counterfeit substance or a controlled substance

1 analogue intended for human consumption. This section shall not
2 apply to a person who manufactures or distributes a substance in
3 conformance with the provisions of an approved new drug applica-
4 tion or an exemption for investigational use within the meaning
5 of section 505 of the federal food, drug, and cosmetic act,
6 CHAPTER 675, 52 STAT. 1040, 21 U.S.C. 355. For purposes of this
7 section, section 505 of the federal food, drug, and cosmetic act
8 shall be applicable to the introduction or delivery for introduc-
9 tion of any new drug into intrastate, interstate, or foreign
10 commerce.

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

12 (a) A counterfeit substance classified in schedule 1 or 2
13 which is either a narcotic drug or described in section
14 7214(a)(iv), is guilty of a felony, punishable by imprisonment
15 for not more than 10 years, or a fine of not more than
16 \$10,000.00, or both.

17 (b) Any other counterfeit substance classified in schedule
18 1, 2, or 3, is guilty of a felony, punishable by imprisonment for
19 not more than 5 years, or a fine of not more than \$5,000.00, or
20 both.

21 (c) A counterfeit substance classified in schedule 4, is
22 guilty of a felony, punishable by imprisonment for not more than
23 4 years, or a fine of not more than \$2,000.00, or both.

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

1 (e) A controlled substance analogue, is guilty of a felony,
2 punishable by imprisonment for not more than 15 years, or a fine
3 of not more than \$250,000.00, or both.

4 (3) IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION
5 OF THIS SECTION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO
6 SUSPEND THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
7 LESS THAN 18 YEARS OF AGE, OR SHALL ORDER THE SECRETARY OF STATE
8 TO DENY ISSUANCE OF AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
9 TO THE PERSON, AS FOLLOWS:

10 (A) FOR A PERIOD OF 6 MONTHS, IF THAT PERSON HAS NOT PREVI-
11 OUSLY BEEN CONVICTED OF, OR RECEIVED A PROBATE COURT ORDER OF
12 DISPOSITION FOR, ANY OF THE FOLLOWING:

13 (i) A VIOLATION OF THIS SECTION, OR OF SECTION 7401, 7403,
14 7404, OR 7407.

15 (ii) A VIOLATION OF SECTION 625(1) OR (2) OR 625B OF THE
16 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
17 BEING SECTIONS 257.625 AND 257.625B OF THE MICHIGAN COMPILED
18 LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
19 625(1) OR (2) OR 625B OF THE MICHIGAN VEHICLE CODE, ACT NO. 300
20 OF THE PUBLIC ACTS OF 1949.

21 (iii) A VIOLATION OF SECTION 33A(1) OR 33B OF THE MICHIGAN
22 LIQUOR CONTROL ACT, ACT NO. 8 OF THE EXTRA SESSION OF THE PUBLIC
23 ACTS OF 1933, BEING SECTIONS 436.33A AND 436.33B OF THE MICHIGAN
24 COMPILED LAWS.

25 (B) UNTIL THAT PERSON ATTAINS 18 YEARS OF AGE OR GRADUATES
26 FROM HIGH SCHOOL, WHICHEVER IS LATER, BUT NOT LATER THAN THE DATE
27 THAT THE PERSON ATTAINS 21 YEARS OF AGE WITHOUT HAVING GRADUATED

1 FROM HIGH SCHOOL IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF,
2 OR RECEIVED A PROBATE COURT ORDER OF DISPOSITION FOR, A VIOLATION
3 DESCRIBED IN SUBDIVISION (A).

4 (4) THE COURT MAY MODIFY OR WITHDRAW AN ORDER SUSPENDING OR
5 DENYING THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
6 14 YEARS OF AGE OR OLDER BUT LESS THAN 18 YEARS OF AGE IN THE
7 MANNER PROVIDED BY LAW, EXCEPT AS FOLLOWS:

8 (A) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
9 UNDER SUBSECTION (3)(A), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
10 RATION OF 90 DAYS AFTER THE ORDER IS ISSUED.

11 (B) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
12 UNDER SUBSECTION (3)(B), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
13 RATION OF 1 YEAR AFTER THE ORDER IS ISSUED.

14 (5) THE COURT SHALL ORDER A PERSON LESS THAN 18 YEARS OF AGE
15 WHO VIOLATES THIS SECTION TO ATTEND A SUBSTANCE ABUSE EDUCATIONAL
16 PROGRAM SELECTED BY THE COURT.

17 Sec. 7403. (1) A person shall not knowingly or intention-
18 ally possess a controlled substance or an official prescription
19 form or a prescription form unless the controlled substance,
20 official prescription form, or prescription form was obtained
21 directly 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:

1 (a) A controlled substance classified in schedule 1 or 2
2 which is either a narcotic drug or described in section
3 7214(a)(iv), and:

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

7 (ii) Which is in an amount of 225 grams or more, but less
8 than 650 grams, of any mixture containing that controlled sub-
9 stance is guilty of a felony and shall be imprisoned for not less
10 than 20 years nor more than 30 years.

11 (iii) Which is in an amount of 50 grams or more, but less
12 than 225 grams, of any mixture containing that controlled sub-
13 stance is guilty of a felony and shall be imprisoned for not less
14 than 10 years nor more than 20 years.

15 (iv) Which is in an amount of 25 grams or more, but less
16 than 50 grams of any mixture containing that controlled substance
17 is guilty of a felony, and shall be imprisoned for not less than
18 1 year and not more than 4 years, and may be fined not more than
19 \$25,000.00 or placed on probation for life.

20 (v) Which is in an amount less than 25 grams of any mixture
21 containing that controlled substance is guilty of a felony, pun-
22 ishable by imprisonment for not more than 4 years or a fine of
23 not more than \$25,000.00, or both.

24 (b) A controlled substance classified in schedule 1, 2, 3,
25 or 4, except a controlled substance classified in schedule 1 for
26 which a penalty is prescribed in subdivision (a), (c), or (d), is

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

3 (c) Lysergic acid diethylamide, peyote, mescaline, dimethyl-
4 tryptamine, psilocyn, psilocybin, or a controlled substance clas-
5 sified in schedule 5, is guilty of a misdemeanor, punishable by
6 imprisonment for not more than 1 year, or a fine of not more than
7 \$1,000.00, or both.

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

11 (e) An official prescription form, is guilty of a felony,
12 punishable by imprisonment for not more than 1 year, or a fine of
13 not more than \$2,000.00, or both.

14 (f) A prescription form other than an official prescription
15 form, is guilty of a misdemeanor, punishable by imprisonment for
16 not more than 1 year, or a fine of not more than \$1,000.00, or
17 both.

18 (3) The court may depart from the minimum term of imprison-
19 ment authorized under subsection ~~-(2)-(ii)-~~ (2)(A)(ii), (iii), or
20 (iv) if the court finds on the record that there are substantial
21 and compelling reasons to do so.

22 (4) IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION
23 OF THIS SECTION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO
24 SUSPEND THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
25 LESS THAN 18 YEARS OF AGE, OR SHALL ORDER THE SECRETARY OF STATE
26 TO DENY ISSUANCE OF AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
27 TO THE PERSON, AS FOLLOWS:

1 (A) FOR A PERIOD OF 6 MONTHS, IF THAT PERSON HAS NOT
2 PREVIOUSLY BEEN CONVICTED OF, OR RECEIVED A PROBATE COURT ORDER
3 OF DISPOSITION FOR, ANY OF THE FOLLOWING:

4 (i) A VIOLATION OF THIS SECTION OR OF SECTION 7401, 7402,
5 7404, OR 7407.

6 (ii) A VIOLATION OF SECTION 625(1) OR (2) OR 625B OF THE
7 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
8 BEING SECTIONS 257.625 AND 257.625B OF THE MICHIGAN COMPILED
9 LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
10 625(1) OR (2) OR 625B OF THE MICHIGAN VEHICLE CODE, ACT NO. 300
11 OF THE PUBLIC ACTS OF 1949.

12 (iii) A VIOLATION OF SECTION 33A(1) OR 33B OF THE MICHIGAN
13 LIQUOR CONTROL ACT, ACT NO. 8 OF THE EXTRA SESSION OF THE PUBLIC
14 ACTS OF 1933, BEING SECTIONS 436.33A AND 436.33B OF THE MICHIGAN
15 COMPILED LAWS.

16 (B) UNTIL THAT PERSON ATTAINS 18 YEARS OF AGE OR GRADUATES
17 FROM HIGH SCHOOL, WHICHEVER IS LATER, BUT NOT LATER THAN THE DATE
18 THAT THE PERSON ATTAINS 21 YEARS OF AGE WITHOUT HAVING GRADUATED
19 FROM HIGH SCHOOL IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF,
20 OR RECEIVED PROBATE COURT ORDER OF DISPOSITION FOR, A VIOLATION
21 DESCRIBED IN SUBDIVISION (A).

22 (5) THE COURT MAY MODIFY OR WITHDRAW AN ORDER SUSPENDING OR
23 DENYING THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
24 14 YEARS OF AGE OR OLDER BUT LESS THAN 18 YEARS OF AGE, IN THE
25 MANNER PROVIDED BY LAW, EXCEPT AS FOLLOWS:

1 (A) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
2 UNDER SUBSECTION (4)(A), EXCEPT IN CASE OF ERROR, UNTIL THE
3 EXPIRATION OF 90 DAYS AFTER THE ORDER IS ISSUED.

4 (B) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
5 UNDER SUBSECTION (4)(B), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
6 RATION OF 1 YEAR AFTER THE ORDER IS ISSUED.

7 (6) THE COURT SHALL ORDER A PERSON LESS THAN 18 YEARS OF AGE
8 WHO VIOLATES THIS SECTION TO ATTEND A SUBSTANCE ABUSE EDUCATIONAL
9 PROGRAM SELECTED BY THE COURT.

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

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

16 (a) A controlled substance classified in schedule 1 or 2
17 which is either a narcotic drug or described in section
18 7214(a)(iv), is guilty of a misdemeanor punishable by imprison-
19 ment for not more than 1 year, or a fine of not more than
20 \$2,000.00, or both.

21 (b) A controlled substance classified in schedule 1, 2, 3,
22 or 4, except a controlled substance classified in schedule 1 for
23 which a penalty is prescribed in subdivision (a), (c), or (d) is
24 guilty of a misdemeanor, punishable by imprisonment for not more
25 than 1 year, or a fine of not more than \$1,000.00, or both.

26 (c) Lysergic acid diethylamide, peyote, mescaline,
27 dimethyltryptamine, psilocyn, psilocybin, or a controlled

1 substance classified in schedule 5, is guilty of a misdemeanor,
2 punishable by imprisonment for not more than 6 months, or a fine
3 of not more than \$500.00, or both.

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

7 (3) IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION
8 OF THIS SECTION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO
9 SUSPEND THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
10 LESS THAN 18 YEARS OF AGE, OR SHALL ORDER THE SECRETARY OF STATE
11 TO DENY ISSUANCE OF AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
12 TO THE PERSON, AS FOLLOWS:

13 (A) FOR A PERIOD OF 6 MONTHS, IF THAT PERSON HAS NOT PREVI-
14 OUSLY BEEN CONVICTED OF, OR RECEIVED A PROBATE COURT ORDER OF
15 DISPOSITION FOR, ANY OF THE FOLLOWING:

16 (i) A VIOLATION OF THIS SECTION OR OF SECTION 7401, 7402,
17 7403, OR 7407.

18 (ii) A VIOLATION OF SECTION 625(1) OR (2) OR 625B OF THE
19 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
20 BEING SECTIONS 257.625 AND 257.625B OF THE MICHIGAN COMPILED
21 LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
22 625(1) OR (2) OR 625B OF THE MICHIGAN VEHICLE CODE, ACT NO. 300
23 OF THE PUBLIC ACTS OF 1949.

24 (iii) A VIOLATION OF SECTION 33A(1) OR 33B OF THE MICHIGAN
25 LIQUOR CONTROL ACT, ACT NO. 8 OF THE EXTRA SESSION OF THE PUBLIC
26 ACTS OF 1933, BEING SECTIONS 436.33A AND 436.33B OF THE MICHIGAN
27 COMPILED LAWS.

1 (B) UNTIL THAT PERSON ATTAINS 18 YEARS OF AGE OR GRADUATES
2 FROM HIGH SCHOOL, WHICHEVER IS LATER, BUT NOT LATER THAN THE DATE
3 THAT THE PERSON ATTAINS 21 YEARS OF AGE WITHOUT HAVING GRADUATED
4 FROM HIGH SCHOOL IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF,
5 OR RECEIVED A PROBATE COURT ORDER OF DISPOSITION FOR, A VIOLATION
6 DESCRIBED IN SUBDIVISION (A).

7 (4) THE COURT MAY MODIFY OR WITHDRAW AN ORDER SUSPENDING OR
8 DENYING THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
9 14 YEARS OF AGE OR OLDER BUT LESS THAN 18 YEARS OF AGE, IN THE
10 MANNER PROVIDED BY LAW, EXCEPT AS FOLLOWS:

11 (A) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
12 UNDER SUBSECTION (3)(A), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
13 RATION OF 90 DAYS AFTER THE ORDER IS ISSUED.

14 (B) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
15 UNDER SUBSECTION (3)(B), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
16 RATION OF 1 YEAR AFTER THE ORDER IS ISSUED.

17 (5) THE COURT SHALL ORDER A PERSON LESS THAN 18 YEARS OF AGE
18 WHO VIOLATES THIS SECTION TO ATTEND A SUBSTANCE ABUSE EDUCATIONAL
19 PROGRAM SELECTED BY THE COURT.

20 Sec. 7407. (1) A person shall not knowingly or
21 intentionally:

22 (a) Distribute as a licensee a controlled substance classi-
23 fied in schedule 1 or 2, except pursuant to an order form as
24 required by section 7331.

25 (b) Use in the course of the manufacture or distribution of
26 a controlled substance a license number which is fictitious,
27 revoked, suspended, or issued to another person.

1 (c) Acquire or obtain possession of a controlled substance
2 by misrepresentation, fraud, forgery, deception, or subterfuge.

3 (d) Furnish false or fraudulent material information in, or
4 omit any material information from, an application, report, offi-
5 cial prescription form, or other document required to be kept or
6 filed under this article, or any record required to be kept by
7 this article.

8 (e) Make, distribute, or possess a punch, die, plate, stone,
9 or other thing designed to print, imprint, or reproduce the
10 trademark, trade name, or other identifying mark, imprint, or
11 device of another or any likeness of any of the foregoing upon a
12 drug or container or labeling thereof so as to render the drug a
13 counterfeit substance.

14 (f) Knowingly and intentionally give, permit, or obtain
15 access to information submitted to the department of licensing
16 and regulation under section 7334, except as otherwise authorized
17 by this article.

18 (g) Possess counterfeit prescription forms, except as an
19 agent of government while engaged in the enforcement of this
20 part.

21 (2) A person shall not refuse or knowingly fail to make,
22 keep, or furnish any record, notification, order form, statement,
23 invoice, or other information required under this article.

24 (3) A person who violates this section is guilty of a
25 felony, punishable by imprisonment for not more than 4 years, or
26 a fine of not more than \$30,000.00, or both.

1 (4) IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION
2 OF THIS SECTION, THE COURT SHALL ORDER THE SECRETARY OF STATE TO
3 SUSPEND THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
4 LESS THAN 18 YEARS OF AGE, OR SHALL ORDER THE SECRETARY OF STATE
5 TO DENY ISSUANCE OF AN OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE
6 TO THE PERSON, AS FOLLOWS:

7 (A) FOR A PERIOD OF 6 MONTHS, IF THAT PERSON HAS NOT PREVI-
8 OUSLY BEEN CONVICTED OF, OR RECEIVED A PROBATE COURT ORDER OF
9 DISPOSITION FOR, ANY OF THE FOLLOWING:

10 (i) A VIOLATION OF THIS SECTION OR OF SECTION 7401, 7402,
11 7403, OR 7404.

12 (ii) A VIOLATION OF SECTION 625(1) OR (2) OR 625B OF THE
13 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
14 BEING SECTIONS 257.625 AND 257.625B OF THE MICHIGAN COMPILED
15 LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
16 625(1) OR (2) OR 625B OF THE MICHIGAN VEHICLE CODE, ACT NO. 300
17 OF THE PUBLIC ACTS OF 1949.

18 (iii) A VIOLATION OF SECTION 33A(1) OR 33B OF THE MICHIGAN
19 LIQUOR CONTROL ACT, ACT NO. 8 OF THE EXTRA SESSION OF THE PUBLIC
20 ACTS OF 1933, BEING SECTIONS 436.33A AND 436.33B OF THE MICHIGAN
21 COMPILED LAWS.

22 (B) UNTIL THAT PERSON ATTAINS 18 YEARS OF AGE OR GRADUATES
23 FROM HIGH SCHOOL, WHICHEVER IS LATER, BUT NOT LATER THAN THE DATE
24 THAT THE PERSON ATTAINS 21 YEARS OF AGE WITHOUT HAVING GRADUATED
25 FROM HIGH SCHOOL IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF,
26 OR RECEIVED A PROBATE COURT ORDER OF DISPOSITION FOR, A VIOLATION
27 DESCRIBED IN SUBDIVISION (A).

1 (5) THE COURT MAY MODIFY OR WITHDRAW AN ORDER SUSPENDING OR
2 DENYING THE OPERATOR'S LICENSE OR CHAUFFEUR'S LICENSE OF A PERSON
3 14 YEARS OF AGE OR OLDER BUT LESS THAN 18 YEARS OF AGE, IN THE
4 MANNER PROVIDED BY LAW, EXCEPT AS FOLLOWS:

5 (A) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
6 UNDER SUBSECTION (4)(A), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
7 RATION OF 90 DAYS AFTER THE ORDER IS ISSUED.

8 (B) THE COURT SHALL NOT MODIFY OR WITHDRAW AN ORDER ISSUED
9 UNDER SUBSECTION (4)(B), EXCEPT IN CASE OF ERROR, UNTIL THE EXPI-
10 RATION OF 1 YEAR AFTER THE ORDER IS ISSUED.

11 (6) THE COURT SHALL ORDER A PERSON LESS THAN 18 YEARS OF AGE
12 WHO VIOLATES THIS SECTION TO ATTEND A SUBSTANCE ABUSE EDUCATIONAL
13 PROGRAM SELECTED BY THE COURT.

14 Section 2. This amendatory act shall not take effect unless
15 Senate Bill No. ____ or House Bill No. ____ (request
16 no. 00663'91) of the 86th Legislature is enacted into law.