

Act No. 174  
Public Acts of 1994  
Approved by the Governor  
June 19, 1994  
Filed with the Secretary of State  
June 20, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

**Introduced by Reps Dobronski and Gagliardi**

**Reps Anthony Byrum Dalman DeMars Dobb Dolan Freeman Gernaat Gilmer Gnodtke Goschka  
Hill Horton Jaye Jersevic Johnson Kaza Kukuk Leland Lowe, Martin McBryde Nye Olshove  
Palamara Pitoniak Points Porreca Profit Randall Rocca Scott Shugars Sikkema, Stille Varga  
Voorhees Wallace Weeks and Yokich named co sponsors**

## **ENROLLED HOUSE BILL No. 5347**

AN ACT to amend section 7410 of Act No 368 of the Public Acts of 1978 entitled as amended An act to protect and promote the public health to codify revise consolidate classify and add to the laws relating to public health to provide for the prevention and control of diseases and disabilities to provide for the classification administration regulation financing and maintenance of personal environmental and other health services and activities to create or continue and prescribe the powers and duties of departments boards commissions councils committees task forces and other agencies to prescribe the powers and duties of governmental entities and officials to regulate occupations facilities and agencies affecting the public health to regulate health maintenance organizations and certain third party administrators and insurers to promote the efficient and economical delivery of health care services to provide for the appropriate utilization of health care facilities and services and to provide for the closure of hospitals or consolidation of hospitals or services to provide for the collection and use of data and information to provide for the transfer of property to provide certain immunity from liability to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances to provide for penalties and remedies to provide for sanctions for violations of this act and local ordinances to repeal certain acts and parts of acts to repeal certain parts of this act and to repeal certain parts of this act on specific dates as amended by Act No 12 of the Public Acts of 1988 being section 333 7410 of the Michigan Compiled Laws

*The People of the State of Michigan enact*

Section 1 Section 7410 of Act No 368 of the Public Acts of 1978 as amended by Act No 12 of the Public Acts of 1988 being section 333 7410 of the Michigan Compiled Laws is amended to read as follows

Sec 7410 (1) Except as otherwise provided in subsections (2) and (3) an individual 18 years of age or over who violates section 7401(2)(a)(v) by delivering or distributing a controlled substance listed in schedule 1 or 2 that is either a narcotic drug or described in section 7214(a)(v) to an individual under 18 years of age who is at least 3 years the deliverer's or distributor's junior may be punished by the fine authorized by section 7401(2)(a)(v) or by a term of imprisonment of not less than 1 year nor more than twice that authorized by section 7401(2)(a)(v) or both An individual 18 years of age or over who violates section 7401 by delivering or distributing any other controlled substance listed in schedules 1 to 5 to an individual under 18 years of age who is at least 3 years the distributor's junior may be punished by the fine authorized by section 7401(2)(b) (c) or (d) or by a term of imprisonment not more than twice that authorized by section 7401(2)(b) (c) or (d) or both

(2) An individual 18 years of age or over who violates section 7401(2)(a)(iv) by delivering a controlled substance described in schedule 1 or 2 that is either a narcotic drug or described in section 7214(a)(iv) to a minor who is a student on or within 1 000 feet of school property shall be punished subject to subsection (5) by a term of imprisonment of not less than 2 years or more than 3 times that authorized by section 7401(2)(a)(iv) and in addition may be punished by a fine of not more than 3 times that authorized by section 7401(2)(a)(iv)

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

(4) An individual 18 years of age or over who violates section 7403(2)(a)(v) (b) (c) or (d) by possessing a controlled substance on school property shall be punished by a term of imprisonment or a fine or both of not more than twice that authorized by section 7403(2)(a)(v) (b) (c) or (d)

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

(6) As used in this section school property means a building playing field or property used for school purposes to impart instruction to children in grades kindergarten through 12 when provided by a public private denominational or parochial school except those buildings used primarily for adult education or college extension courses

(7) A person who distributes marihuana without remuneration 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

Section 2 This amendatory act shall take effect September 1 1994

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor