



SENATE BILL No. 678

June 3, 1993, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend section 7401 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended by Act No. 143 of the Public Acts of 1989, 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, as amended by Act No. 143 of the Public Acts of 1989,
3 being section 333.7401 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 7401. (1) Except as authorized by this article, a
6 person shall not manufacture, deliver, or possess with intent to
7 manufacture or deliver, a controlled substance, a prescription
8 form, an official prescription form, or a counterfeit
9 prescription form. A practitioner licensed by the administrator

1 under this article shall not dispense, prescribe, or administer a
2 controlled substance for other than legitimate and professionally
3 recognized therapeutic or scientific purposes or outside the
4 scope of practice of the practitioner, licensee, or applicant.

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

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

9 (i) Which is in an amount of 650 grams or more of any mix-
10 ture containing that controlled substance is guilty of a felony
11 and EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, shall be
12 imprisoned for life. A JUVENILE CONVICTED OF VIOLATING THIS SUB-
13 PARAGRAPH WHO IS WITHIN THE COURT'S JURISDICTION FOR SENTENCING
14 PURSUANT TO SECTION 1 OF CHAPTER IX OF THE CODE OF CRIMINAL PRO-
15 CEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING
16 SECTION 769.1 OF THE MICHIGAN COMPILED LAWS, SHALL BE PUNISHED
17 EITHER BY IMPOSITION OF THE SENTENCE PROVIDED IN THIS SUBPARA-
18 GRAPH OR, IF THE COURT DETERMINES THAT IT IS IN THE BEST INTER-
19 ESTS OF THE PUBLIC, A SENTENCE OF ANY TERM OF YEARS BUT NOT LESS
20 THAN 25 YEARS.

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

25 (iii) Which is in an amount of 50 grams or more, but less
26 than 225 grams, of any mixture containing that controlled

1 substance is guilty of a felony and shall be imprisoned for not
2 less than 10 years nor more than 20 years.

3 (iv) Which is in an amount less than 50 grams, of any mix-
4 ture containing that substance is guilty of a felony and shall be
5 imprisoned for not less than 1 year nor more than 20 years, and
6 may be fined not more than \$25,000.00, or placed on probation for
7 life.

8 (b) Any other controlled substance classified in schedule 1,
9 2, or 3, except marihuana, is guilty of a felony, punishable by
10 imprisonment for not more than 7 years, or a fine of not more
11 than \$5,000.00, or both.

12 (c) A substance classified in schedule 4 or marihuana, is
13 guilty of a felony, punishable by imprisonment for not more than
14 4 years, or a fine of not more than \$2,000.00, or both.

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

18 (e) An official prescription form or a counterfeit official
19 prescription form, is guilty of a felony, punishable by imprison-
20 ment for not more than 20 years, or a fine of not more than
21 \$25,000.00, or both.

22 (f) A prescription form or a counterfeit prescription form
23 other than an official prescription form or a counterfeit offi-
24 cial prescription form, 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 (3) A term of imprisonment imposed pursuant to subsection
2 (2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv) shall be
3 imposed to run consecutively with any term of imprisonment
4 imposed for the commission of another felony. An individual
5 subject to a mandatory term of imprisonment under subsection
6 (2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv) shall not
7 be eligible for probation, suspension of that sentence, or parole
8 during that mandatory term, except and only to the extent that
9 those provisions permit probation for life, and shall not receive
10 a reduction in that mandatory term of imprisonment by disci-
11 plinary credits or any other type of sentence credit reduction.

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

16 Section 2. This amendatory act shall not take effect unless
17 all of the following bills of the 87th Legislature are enacted
18 into law:

19 (a) Senate Bill No. 676.

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21 (b) Senate Bill No. 677.

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23 (c) Senate Bill No. 679.

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