

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 6095

(As passed the Senate, December 12, 2002)

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7212, 7401, 7402, 7403, and 7404
(MCL 333.7212, 333.7401, 333.7402, 333.7403, and 333.7404),
section 7212 as amended by 1998 PA 248, sections 7401 and 7403 as
amended by 2001 PA 236, and sections 7402 and 7404 as amended by
2000 PA 314.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

2

1	Acetylmethadol	Difenoxin	Noracymethadol
2	Allylprodine	Dimenoxadol	Norlevorphanol
3	Alpha-acetylmethadol	Dimepheptanol	Normethadone
4	Alphameprodine	Dimethylthiambutene	Norpipanone
5	Alphamethadol	Dioxaphetyl butyrate	Phenadoxone
6	Benzethidine	Dipipanone	Phenampramide
7	Betacetylmethadol	Ethylmethylthiambutene	Phenomorphin
8	Betameprodine	Etonitazene	Phenoperidine
9	Betamethadol	Etoxeridine	Piritramide
10	Betaprodine	Furethidine	Proheptazine
11	Clonitazene	Hydroxypethidine	Properidine
12	Dextromoramide	Ketobemidone	Propiram
13	Diampromide	Levomoramide	Racemoramide
14	Diethylthiambutene	Levophenacymorphan	Trimeperidine
15		Morpheridine	

16
17 (b) Any of the following opium derivatives, their salts,
18 isomers, and salts of isomers, unless specifically excepted, when
19 the existence of these salts, isomers, and salts of isomers is
20 possible within the specific chemical designation:

21

22	Acetorphine	Drotebanol	Morphine-N-Oxide
23	Acetyldihydrocodeine	Etorphine	Myrophine
24	Benzylmorphine	Heroin	Nicocodeine
25	Codeine methylbromide	Hydromorphenol	Nicomorphine
26	Codeine-N-Oxide	Methyldesorphine	Normorphine
27	Cyprenorphine	Methyldihydromorphine	Pholcodine
28	Desomorphine	Morphine methylbromide	Thebacon
29	Dihydromorphine	Morphine methylsulfonate	

30
31 (c) Any material, compound, mixture, or preparation which
32 contains any quantity of the following hallucinogenic substances,
33 their salts, isomers, and salts of isomers, unless specifically
34 excepted, when the existence of these salts, isomers, and salts
35 of isomers is possible within the specific chemical designation:

36

37 2-Methylamino-1-phenylpropan-1-one
38 Some trade and other names:
39 Methcathinone
40 Cat
41 Ephedrone

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095 3

- 1 3, 4-methylenedioxy amphetamine
- 2 5-methoxy-3, 4-methylenedioxy
- 3 amphetamine
- 4 3, 4, 5-trimethoxy amphetamine
- 5 Bufotenine
- 6 Some trade and other names:
- 7 3-(B-dimethylaminoethyl)-5 hydroxyindole
- 8 3-(2-dimethylaminoethyl)-5 indolol
- 9 N,N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine
- 10 Mappine
- 11 2, 5-Dimethoxyamphetamine
- 12 Some trade or other names:
- 13 2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA
- 14 4-Bromo-2, 5-Dimethoxyamphetamine
- 15 Some trade or other names:
- 16 4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo
- 17 2,5-DMA
- 18 Diethyltryptamine
- 19 Some trade and other names:
- 20 N,N-Diethyltryptamine; DET
- 21 Dimethyltryptamine
- 22 Some trade or other names:
- 23 DMT
- 24 4-methyl-2, 5-dimethoxyamphetamine
- 25 Some trade and other names:
- 26 4-methyl-2, 5-dimethoxy-a-methyl-phenethylamine

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

4

- 1 DOM, STP
- 2 4-methoxyamphetamine
- 3 Some trade or other names:
- 4 4-methoxy- α -methylphenethylamine; paramethoxy amphetamine;
- 5 PMA
- 6 Ibogaine
- 7 Some trade and other names:
- 8 7-Ethyl-6,6a,7,8,9,10,12,13
- 9 Octahydro-2-methoxy-6,9-methano-5H-
- 10 pyrido (1, 2:1, 2 azepino 4, 5-b) indole
- 11 tabernanthe iboga
- 12 Lysergic acid diethylamide
- 13 Marihuana, except as otherwise provided in subsection (2)
- 14 Mecloqualone
- 15 Mescaline
- 16 Peyote
- 17 N-ethyl-3 piperidyl benzilate
- 18 N-methyl-3 piperidyl benzilate
- 19 Psilocybin
- 20 Psilocyn
- 21 Thiophene analog of phencyclidine
- 22 Some trade or other names:
- 23 1-(1-(2-thienyl)cyclohexyl) piperidine)
- 24 2-thienyl analog of phencyclidine; TCP
- 25
- 26 (d) Except as provided in subsection (2), synthetic
- 27 equivalents of the substances contained in the plant, or in the

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

5

1 resinous extractives of cannabis and synthetic substances,
2 derivatives, and their isomers with similar chemical structure or
3 pharmacological activity, or both, such as the following, are
4 included in schedule 1:

5 (i) Δ <UP1> cis or trans tetrahydrocannabinol, and their optical
6 isomers.

7 (ii) Δ <UP6> cis or trans tetrahydrocannabinol, and their opti-
8 cal isomers.

9 (iii) Δ <UP3>,<UP4>, cis or trans tetrahydrocannabinol, and their
10 optical isomers.

11 (e) Compounds of structures of substances referred to in
12 subdivision (d), regardless of numerical designation of atomic
13 positions, are included.

14 (f) Gamma-hydroxybutyrate and any isomer, salt, or salt of
15 isomer of gamma-hydroxybutyrate.

16 Some trade and other names:

17 Sodium oxybate

18 4-hydroxybutanoic acid monosodium salt

19 (G) 3,4-METHYLENEDIOXYMETHAMPHETAMINE.

20 SOME TRADE AND OTHER NAMES:

21 ECSTASY

22 MDMA

23 (2) Marihuana and the substances described in subsection (1)

24 (d) and (e) in schedule 1 shall be regulated as provided in
25 schedule 2, if they are dispensed in the manner provided in sec-
26 tions 7335 and 7336.

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

6

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

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

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

13 (a) A controlled substance classified in schedule 1 or 2
14 that is a narcotic drug or a drug described in section
15 7214(a)(iv) and:

16 (i) Which is in an amount of ~~-650-~~ 1,000 grams or more of
17 any mixture containing that substance is guilty of a felony pun-
18 ishable by imprisonment for life or any term of years ~~but not~~
19 ~~less than 20 years~~ OR A FINE OF NOT MORE THAN \$1,000,000.00, OR
20 BOTH.

21 (ii) Which is in an amount of ~~-225-~~ 450 grams or more, but
22 less than ~~-650-~~ 1,000 grams, of any mixture containing that sub-
23 stance is guilty of a felony and ~~shall be imprisoned~~ PUNISHABLE
24 BY IMPRISONMENT for not ~~less than 20 years nor~~ more than 30
25 years OR A FINE OF NOT MORE THAN \$500,000.00, OR BOTH.

26 (iii) Which is in an amount of 50 grams or more, but less
27 than ~~-225-~~ 450 grams, of any mixture containing that substance is

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

7

1 guilty of a felony ~~and shall be imprisoned~~ PUNISHABLE BY
2 IMPRISONMENT for not ~~less than 10 years nor~~ more than 20 years
3 OR A FINE OF NOT MORE THAN \$250,000.00, OR BOTH.

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

10 (b) Either of the following:

11 (i) A substance described in section 7212(1)(G) OR
12 7214(c)(ii) is guilty of a felony punishable by imprisonment for
13 not more than 20 years or a fine of not more than \$25,000.00, or
14 both.

15 (ii) Any other controlled substance classified in schedule
16 1, 2, or 3, except marihuana is guilty of a felony punishable by
17 imprisonment for not more than 7 years or a fine of not more than
18 \$10,000.00, or both.

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

22 (d) Marihuana or a mixture containing marihuana is guilty of
23 a felony punishable as follows:

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

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

8

1 (ii) If the amount is 5 kilograms or more but less than 45
2 kilograms, or 20 plants or more but fewer than 200 plants, by
3 imprisonment for not more than 7 years or a fine of not more than
4 \$500,000.00, or both.

5 (iii) If the amount is less than 5 kilograms or fewer than
6 20 plants, by imprisonment for not more than 4 years or a fine of
7 not more than \$20,000.00, or both.

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

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

14 (3) A term of imprisonment imposed under subsection (2)(a)
15 ~~or section 7403(2)(a)(i), (ii), (iii), or (iv) shall~~ MAY be
16 imposed to run consecutively with any term of imprisonment
17 imposed for the commission of another felony. ~~An individual~~
18 ~~subject to a mandatory term of imprisonment under subsection~~
19 ~~(2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv) is not eli-~~
20 ~~gible for probation, suspension of that sentence, or parole~~
21 ~~during that mandatory term, except to the extent that those pro-~~
22 ~~visions permit probation for life, and shall not receive a reduc-~~
23 ~~tion in that mandatory term of imprisonment by disciplinary cred-~~
24 ~~its or any other type of sentence credit reduction.~~

25 (4) ~~The court may depart from the minimum term of imprison-~~
26 ~~ment authorized under subsection (2)(a)(ii), (iii), or (iv) if~~
27 ~~the court finds on the record that there are substantial and~~

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

9

1 ~~compelling reasons to do so. In addition, if any of the~~
2 ~~following apply, the court may depart from the minimum term of~~
3 ~~imprisonment authorized under subsection (2)(a)(ii), (iii), or~~
4 ~~(iv) if the individual has not previously been convicted of a~~
5 ~~felony or an assaultive crime and has not been convicted of~~
6 ~~another felony or assaultive crime arising from the same transac-~~
7 ~~tion as the violation of this section:~~

8 ~~(a) The person is within the jurisdiction of the circuit~~
9 ~~court under section 606 of the revised judicature act of 1961,~~
10 ~~1961 PA 236, MCL 600.606, or section 4 of chapter XIIA of the~~
11 ~~probate code of 1939, 1939 PA 288, MCL 712A.4.~~

12 ~~(b) The person is being sentenced under section 18(1)(n) of~~
13 ~~chapter XIIA of the probate code of 1939, 1939 PA 288,~~
14 ~~MCL 712A.18.~~

15 (4) IF AN INDIVIDUAL WAS SENTENCED TO LIFETIME PROBATION
16 UNDER SUBSECTION (2)(A)(iv) BEFORE THE EFFECTIVE DATE OF THE
17 AMENDATORY ACT THAT ADDED THIS SUBSECTION AND THE INDIVIDUAL HAS
18 SERVED 5 OR MORE YEARS OF THAT PROBATIONARY PERIOD, THE PROBATION
19 OFFICER FOR THAT INDIVIDUAL MAY RECOMMEND TO THE COURT THAT THE
20 COURT DISCHARGE THE INDIVIDUAL FROM PROBATION. IF AN
21 INDIVIDUAL'S PROBATION OFFICER DOES NOT RECOMMEND DISCHARGE AS
22 PROVIDED IN THIS SUBSECTION, WITH NOTICE TO THE PROSECUTOR, THE
23 INDIVIDUAL MAY PETITION THE COURT SEEKING RESENTENCING UNDER THE
24 COURT RULES. THE COURT MAY DISCHARGE AN INDIVIDUAL FROM PROBA-
25 TION AS PROVIDED IN THIS SUBSECTION. AN INDIVIDUAL MAY FILE MORE
26 THAN 1 MOTION SEEKING RESENTENCING UNDER THIS SUBSECTION.

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

10

1 (5) As used in this section, ~~—~~

2 ~~(a) "Assaultive crime" means a violation of sections 81 to~~
3 ~~90 of the Michigan penal code, 1931 PA 328, MCL 750.81 to~~
4 ~~750.90.~~

5 ~~(b) "Plant"~~ "PLANT" means a marihuana plant that has
6 produced cotyledons or a cutting of a marihuana plant that has
7 produced cotyledons.

8 Sec. 7402. (1) Except as authorized by this article, a
9 person shall not create, manufacture, deliver, or possess with
10 intent to deliver a counterfeit substance or a controlled sub-
11 stance analogue intended for human consumption. This section
12 does not apply to a person who manufactures or distributes a sub-
13 stance in conformance with the provisions of an approved new drug
14 application or an exemption for investigational use within the
15 meaning of section 505 of the federal food, drug, and cosmetic
16 act, 21 U.S.C. 355. For purposes of this section, section 505 of
17 the federal food, drug, and cosmetic act shall be applicable to
18 the introduction or delivery for introduction of any new drug
19 into intrastate, interstate, or foreign commerce.

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

21 (a) A counterfeit substance classified in schedule 1 or 2
22 which is either a narcotic drug or A DRUG described in section
23 7212(1)(G) OR 7214(a)(iv) or (c)(ii), is guilty of a felony ~~—~~
24 punishable by imprisonment for not more than 10 years ~~—~~ or a
25 fine of not more than \$10,000.00, or both.

26 (b) Any other counterfeit substance classified in schedule
27 1, 2, or 3, is guilty of a felony ~~—~~ punishable by imprisonment

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

11

1 for not more than 5 years ~~—~~ or a fine of not more than
2 \$5,000.00, or both.

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

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

9 (e) A controlled substance analogue, is guilty of a felony
10 ~~—~~ punishable by imprisonment for not more than 15 years ~~—~~ or
11 a fine of not more than \$250,000.00, or both.

12 Sec. 7403. (1) A person shall not knowingly or intention-
13 ally possess a controlled substance, a controlled substance anal-
14 ogue, or a prescription form unless the controlled substance,
15 controlled substance analogue, or prescription form was obtained
16 directly from, or pursuant to, a valid prescription or order of a
17 practitioner while acting in the course of the practitioner's
18 professional practice, or except as otherwise authorized by this
19 article.

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

21 (a) A controlled substance classified in schedule 1 or 2
22 that is a narcotic drug or a drug described in section
23 7214(a)(iv), and:

24 (i) Which is in an amount of ~~—650—~~ 1,000 grams or more of
25 any mixture containing that substance is guilty of a felony ~~—and~~
26 ~~shall be imprisoned—~~ PUNISHABLE BY IMPRISONMENT for life ~~—except~~
27 ~~as otherwise provided in this subparagraph—~~ OR ANY TERM OF YEARS

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

12

1 OR A FINE OF NOT MORE THAN \$1,000,000.00, OR BOTH. ~~A person~~
2 ~~convicted of violating this subparagraph may be punished as pro-~~
3 ~~vided by law by imposing a sentence of imprisonment for any term~~
4 ~~of years but not less than 25 years if any of the following~~
5 ~~apply:~~

6 ~~(A) The person is within the jurisdiction of the circuit~~
7 ~~court under section 606 of the revised judicature act of 1961,~~
8 ~~1961 PA 236, MCL 600.606, or section 4 of chapter XIIA of the~~
9 ~~probate code of 1939, 1939 PA 288, MCL 712A.4.~~

10 ~~(B) The person is being sentenced under section 18(1)(n) of~~
11 ~~chapter XIIA of the probate code of 1939, 1939 PA 288,~~
12 ~~MCL 712A.18.~~

13 ~~(ii) Which is in an amount of 225- 450 grams or more, but~~
14 ~~less than 650- 1,000 grams, of any mixture containing that sub-~~
15 ~~stance is guilty of a felony and shall be imprisoned PUNISHABLE~~
16 ~~BY IMPRISONMENT for not less than 20 years nor more than 30~~
17 ~~years OR A FINE OF NOT MORE THAN \$500,000.00, OR BOTH.~~

18 ~~(iii) Which is in an amount of 50 grams or more, but less~~
19 ~~than 225- 450 grams, of any mixture containing that substance is~~
20 ~~guilty of a felony and shall be imprisoned PUNISHABLE BY~~
21 ~~IMPRISONMENT for not less than 10 years nor more than 20 years~~
22 ~~OR A FINE OF NOT MORE THAN \$250,000.00, OR BOTH.~~

23 ~~(iv) Which is in an amount of 25 grams or more, but less~~
24 ~~than 50 grams of any mixture containing that substance is guilty~~
25 ~~of a felony and shall be imprisoned PUNISHABLE BY IMPRISONMENT~~
26 ~~for not less than 1 year and not more than 4 years, and may~~

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

13

1 ~~be fined~~ OR A FINE OF not more than \$25,000.00, or ~~placed on~~
2 ~~probation for life~~ BOTH.

3 (v) Which is in an amount less than 25 grams of any mixture
4 containing that substance is guilty of a felony punishable by
5 imprisonment for not more than 4 years or a fine of not more than
6 \$25,000.00, or both.

7 (b) Either of the following:

8 (i) A substance described in section 7212(1)(G) OR
9 7214(c)(ii) is guilty of a felony punishable by imprisonment for
10 not more than 10 years or a fine of not more than \$15,000.00, or
11 both.

12 (ii) A controlled substance classified in schedule 1, 2, 3,
13 or 4, except a controlled substance for which a penalty is pre-
14 scribed in subdivision (a), (b)(i), (c), or (d), or a controlled
15 substance analogue is guilty of a felony punishable by imprison-
16 ment for not more than 2 years or a fine of not more than
17 \$2,000.00, or both.

18 (c) Lysergic acid diethylamide, peyote, mescaline, dimethyl-
19 tryptamine, psilocyn, psilocybin, or a controlled substance clas-
20 sified in schedule 5 is guilty of a misdemeanor punishable by
21 imprisonment for not more than 1 year or a fine of not more than
22 \$2,000.00, or both.

23 (d) Marihuana is guilty of a misdemeanor punishable by
24 imprisonment for not more than 1 year or a fine of not more than
25 \$2,000.00, or both.

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

14

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

4 ~~(3) The court may depart from the minimum term of imprison-~~
5 ~~ment authorized under subsection (2)(a)(ii), (iii), or (iv) if~~
6 ~~the court finds on the record that there are substantial and com-~~
7 ~~PELLING reasons to do so. In addition, if any of the following~~
8 ~~apply, the court may depart from the minimum term of imprisonment~~
9 ~~authorized under subsection (2)(a)(ii), (iii), or (iv) if the~~
10 ~~individual has not previously been convicted of a felony or an~~
11 ~~assaultive crime and has not been convicted of another felony or~~
12 ~~assaultive crime arising from the same transaction as the viola-~~
13 ~~tion of this section:~~

14 ~~(a) The person is within the jurisdiction of the circuit~~
15 ~~court under section 606 of the revised judicature act of 1961,~~
16 ~~1961 PA 236, MCL 600.606, or section 4 of chapter XIII A of the~~
17 ~~probate code of 1939, 1939 PA 288, MCL 712A.4.~~

18 ~~(b) The person is being sentenced under section 18(1)(n) of~~
19 ~~chapter XIII A of the probate code of 1939, 1939 PA 288,~~
20 ~~MCL 712A.18.~~

21 ~~(4) As used in subsection (3), "assaultive crime" means a~~
22 ~~violation of sections 81 to 90 of the Michigan penal code, 1931~~
23 ~~PA 328, MCL 750.81 to 750.90.~~

24 (3) IF AN INDIVIDUAL WAS SENTENCED TO LIFETIME PROBATION
25 UNDER SUBSECTION (2)(A)(iv) BEFORE THE EFFECTIVE DATE OF THE
26 AMENDATORY ACT THAT ADDED THIS SUBSECTION AND THE INDIVIDUAL HAS
27 SERVED 5 OR MORE YEARS OF THAT PROBATIONARY PERIOD, THE PROBATION

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

15

1 OFFICER FOR THAT INDIVIDUAL MAY RECOMMEND TO THE COURT THAT THE
2 COURT DISCHARGE THE INDIVIDUAL FROM PROBATION. IF AN
3 INDIVIDUAL'S PROBATION OFFICER DOES NOT RECOMMEND DISCHARGE AS
4 PROVIDED IN THIS SUBSECTION, WITH NOTICE TO THE PROSECUTOR, THE
5 INDIVIDUAL MAY PETITION THE COURT SEEKING RESENTENCING UNDER THE
6 COURT RULES. THE COURT MAY DISCHARGE AN INDIVIDUAL FROM PROBA-
7 TION AS PROVIDED IN THIS SUBSECTION. AN INDIVIDUAL MAY FILE MORE
8 THAN 1 MOTION SEEKING RESENTENCING UNDER THIS SUBSECTION.

9 Sec. 7404. (1) A person shall not use a controlled sub-
10 stance or controlled substance analogue unless the substance was
11 obtained directly from, or pursuant to, a valid prescription or
12 order of a practitioner while acting in the course of the
13 practitioner's professional practice, or except as otherwise
14 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 ~~is~~ AS a narcotic drug or a drug described in section 7212(1)(G)
18 OR 7214(a)(iv) or (c)(ii) is guilty of a misdemeanor punishable
19 by imprisonment for not more than 1 year ~~,~~ or a fine of not
20 more than \$2,000.00, or both.

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

HB 6095, As Passed Senate, December 12, 2002

House Bill No. 6095

16

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

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

9 Enacting section 1. This amendatory act takes effect April
10 1, 2003.