

HOUSE BILL No. 4594

April 13, 2005, Introduced by Rep. Mortimer and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7410 (MCL 333.7410), as amended by 2000 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7410. (1) Except as otherwise provided in subsections (2)
2 and (3), an individual 18 years of age or over who violates section
3 7401(2)(a)(iv) by delivering or distributing a controlled substance
4 listed in schedule 1 or 2 that is either a narcotic drug or
5 described in section 7214(a)(iv) to an individual under 18 years of
6 age who is at least 3 years the deliverer's or distributor's junior
7 may be punished by the fine authorized by section 7401(2)(a)(iv) or
8 by a term of imprisonment of not less than 1 year nor more than

1 twice that authorized by section 7401(2)(a)(iv), or both. An
2 individual 18 years of age or over who violates section 7401 or
3 7401b by delivering or distributing any other controlled substance
4 listed in schedules 1 to 5 or gamma-butyrolactone to an individual
5 under 18 years of age who is at least 3 years the distributor's
6 junior may be punished by the fine authorized by section
7 7401(2)(b), (c), or (d) or 7401b, or by a term of imprisonment not
8 more than twice that authorized by section 7401(2)(b), (c), or (d)
9 or 7401b, or both.

10 (2) An individual 18 years of age or over who violates section
11 7401(2)(a)(iv) by delivering a controlled substance described in
12 schedule 1 or 2 that is either a narcotic drug or described in
13 section 7214(a)(iv) to another person on or within 1,000 feet of
14 school property shall be punished, subject to subsection ~~-(5)-~~ (6),
15 by a term of imprisonment of not less than 2 years or more than 3
16 times that authorized by section 7401(2)(a)(iv) and, in addition,
17 may be punished by a fine of not more than 3 times that authorized
18 by section 7401(2)(a)(iv).

19 (3) An individual 18 years of age or over who violates section
20 7401(2)(a)(iv) by possessing with intent to deliver to another
21 person on or within 1,000 feet of school property a controlled
22 substance described in schedule 1 or 2 that is either a narcotic
23 drug or described in section 7214(a)(iv) shall be punished, subject
24 to subsection ~~-(5)-~~ (6), by a term of imprisonment of not less than
25 2 years or more than twice that authorized by section 7401(2)(a)(iv)
26 and, in addition, may be punished by a fine of not more than 3
27 times that authorized by section 7401(2)(a)(iv).

1 (4) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (5), AN** individual
2 18 years of age or over who violates section 7401b or 7403(2)(a)(v),
3 (b), (c), or (d) by possessing gamma-butyrolactone or a controlled
4 substance on school property shall be punished by a term of
5 imprisonment or a fine, or both, of not more than twice that
6 authorized by section 7401b or 7403(2)(a)(v), (b), (c), or (d).

7 **(5) AN INDIVIDUAL 18 YEARS OF AGE OR OVER WHO VIOLATES**
8 **SECTION 7401B OR 7403(2)(A)(v), (B), (C), OR (D) BY POSSESSING**
9 **ANABOLIC STEROIDS WITHIN 1,000 FEET OF SCHOOL PROPERTY SHALL BE**
10 **PUNISHED BY A TERM OF IMPRISONMENT OR A FINE, OR BOTH, OF NOT MORE**
11 **THAN TWICE THAT AUTHORIZED BY SECTION 7401B OR 7403(2)(A)(v), (B),**
12 **(C), OR (D). AS USED IN THIS SUBSECTION, "ANABOLIC STEROIDS" MEANS**
13 **THAT TERM AS DEFINED IN R 338.3122 OF THE MICHIGAN ADMINISTRATIVE**
14 **CODE.**

15 (6) ~~(5)~~ The court may depart from the minimum term of
16 imprisonment authorized under subsection (2) or (3) if the court
17 finds on the record that there are substantial and compelling
18 reasons to do so.

19 (7) ~~(6)~~ As used in this section, "school property" means a
20 building, playing field, or property used for school purposes to
21 impart instruction to children in grades kindergarten through 12,
22 when provided by a public, private, denominational, or parochial
23 school, except those buildings used primarily for adult education
24 or college extension courses.

25 (8) ~~(7)~~ A person who distributes marihuana without
26 remuneration and not to further commercial distribution and who
27 does not violate subsection (1) is guilty of a misdemeanor

1 punishable by imprisonment for not more than 1 year or a fine of
2 not more than \$1,000.00, or both, unless the distribution is in
3 accordance with the federal law or the law of this state.