

HOUSE BILL No. 5657

February 8, 2006, Introduced by Reps. Cushingberry, Lipsey, Lemmons, Jr., Cheeks, David Law, Meisner, Kolb, Bieda, Condino, Adamini, Whitmer, Gaffney, Vagnozzi, Miller, Kahn, Sak, Sheltrown and Lemmons, III and referred to the Committee on Local Government and Urban 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
9 twice that authorized by section 7401(2)(a)(iv), or both. An

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

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

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

27 (4) An individual 18 years of age or over who violates section

1 7401b or 7403(2)(a)(v), (b), (c), or (d) by possessing gamma-
2 butyrolactone or a controlled substance on school property **OR A**
3 **LIBRARY** shall be punished by a term of imprisonment or a fine, or
4 both, of not more than twice that authorized by section 7401b or
5 7403(2)(a)(v), (b), (c), or (d).

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

9 (6) As used in this section: ~~—, "school property"~~

10 (A) **"LIBRARY" MEANS A LIBRARY THAT IS ESTABLISHED BY THE**
11 **STATE; A COUNTY, CITY, TOWNSHIP, VILLAGE, SCHOOL DISTRICT, OR OTHER**
12 **LOCAL UNIT OF GOVERNMENT OR AUTHORITY OR COMBINATION OF LOCAL UNITS**
13 **OF GOVERNMENT AND AUTHORITIES; A COMMUNITY COLLEGE DISTRICT; A**
14 **COLLEGE OR UNIVERSITY; OR ANY PRIVATE LIBRARY OPEN TO THE PUBLIC.**

15 (B) **"SCHOOL PROPERTY"** means a building, playing field, or
16 property used for school purposes to impart instruction to children
17 in grades kindergarten through 12, when provided by a public,
18 private, denominational, or parochial school, except those
19 buildings used primarily for adult education or college extension
20 courses.

21 (7) A person who distributes marihuana without remuneration
22 and not to further commercial distribution and who does not violate
23 subsection (1) is guilty of a misdemeanor punishable by
24 imprisonment for not more than 1 year or a fine of not more than
25 \$1,000.00, or both, unless the distribution is in accordance with
26 the federal law or the law of this state.