

**SUBSTITUTE FOR
SENATE BILL NO. 1373**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7212, 7403, and 7404 (MCL 333.7212,
333.7403, and 333.7404), as amended by 2002 PA 710.

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:

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

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

19	Acetorphine	Drotebanol	Morphine-N-Oxide
20	Acetyldihydrocodeine	Etorphine	Myrophine
21	Benzylmorphine	Heroin	Nicocodeine
22	Codeine methylbromide	Hydromorphanol	Nicomorphine
23	Codeine-N-Oxide	Methyldesorphine	Normorphine
24	Cyprenorphine	Methyldihydromorphine	Pholcodine
25	Desomorphine	Morphine methylbromide	Thebacon
26	Dihydromorphine	Morphine methylsulfonate	

1 (c) Any material, compound, mixture, or preparation which
2 contains any quantity of the following hallucinogenic substances,
3 their salts, isomers, and salts of isomers, unless specifically
4 excepted, when the existence of these salts, isomers, and salts
5 of isomers is possible within the specific chemical designation:

6 2-Methylamino-1-phenylpropan-1-one

7 Some trade and other names:

8 Methcathinone

9 Cat

10 Ephedrone

11 3, 4-methylenedioxy amphetamine

12 5-methoxy-3, 4-methylenedioxy

13 amphetamine

14 3, 4, 5-trimethoxy amphetamine

15 Bufotenine

16 Some trade and other names:

17 3-(B-dimethylaminoethyl)-5 hydroxyindole

18 3-(2-dimethylaminoethyl)-5 indolol

19 N,N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine

20 Mappine

21 2, 5-Dimethoxyamphetamine

22 Some trade or other names:

23 2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA

24 4-Bromo-2, 5-Dimethoxyamphetamine

25 Some trade or other names:

26 4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo

27 2,5-DMA

28 Diethyltryptamine

29 Some trade and other names:

1 N,N-Diethyltryptamine; DET
 2 Dimethyltryptamine
 3 Some trade or other names:
 4 DMT
 5 4-methyl-2, 5-dimethoxyamphetamine
 6 Some trade and other names:
 7 4-methyl-2, 5-dimethoxy- α -methyl-phenethylamine
 8 DOM, STP
 9 4-methoxyamphetamine
 10 Some trade or other names:
 11 4-methoxy- α -methylphenethylamine; paramethoxy amphetamine;
 12 PMA
 13 Ibogaine
 14 Some trade and other names:
 15 7-Ethyl-6,6a,7,8,9,10,12,13
 16 Octahydro-2-methoxy-6,9-methano-5H-
 17 pyrido (1, 2:1, 2 azepino 4, 5-b) indole
 18 tabernanthe iboga
 19 Lysergic acid diethylamide
 20 Marihuana ~~, except as otherwise provided in subsection (2)~~
 21 Mecloqualone
 22 Mescaline
 23 Peyote
 24 N-ethyl-3 piperidyl benzilate
 25 N-methyl-3 piperidyl benzilate
 26 Psilocybin
 27 Psilocyn
 28 Thiophene analog of phencyclidine
 29 Some trade or other names:
 30 1-(1-(2-thienyl)cyclohexyl) piperidine)
 31 2-thienyl analog of phencyclidine; TCP

(d) ~~Except as provided in subsection (2), synthetic~~
SYNTHETIC equivalents of the substances contained in the plant,
 or in the resinous extractives of cannabis and synthetic
 substances, derivatives, and their isomers with similar chemical
 structure or pharmacological activity, or both, such as the
 following, are included in schedule 1:

(i) Δ^1 cis or trans tetrahydrocannabinol, and their optical
 isomers.

(ii) Δ^6 cis or trans tetrahydrocannabinol, and their optical
 isomers.

(iii) $\Delta^{3,4}$, cis or trans tetrahydrocannabinol, and their
 optical isomers.

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

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

Some trade and other names:

Sodium oxybate

4-hydroxybutanoic acid monosodium salt

(g) 3,4-methylenedioxymethamphetamine.

Some trade and other names:

Ecstasy

MDMA

1 N-BENZYLPIPERAZINE

2
3 SOME TRADE AND OTHER NAMES:

4 BZP

5 BENZYLPIPERAZINE

6 1-(PHENYLMETHYL)-PIPERAZINE

7
8 3-CHLOROPHENYLPIPERAZINE (MCPD)

9 1-(3-TRIFLUOROMETHYLPHENYL)PIPERAZINE (TFMPP)

10 4-BROMO-2,5-DIMETHOXYBENZYLPIPERAZINE (2C-B-BZP)

11 (H) ALL OF THE FOLLOWING:

12 (i) (6R,10R)-9-(HYDROXYMETHYL)-6,6-DIMETHYL-3-(2-
13 METHYLOCTAN-2-YL)-6A,7,10,10A-TETRAHYDROBENZO[C]CHROMEN-1-OL.

14 SOME TRADE AND OTHER NAMES:

15 HU-210

16 (ii) 2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-5-(2-METHYLOCTAN-2-
17 YL)PHENOL AND ITS SIDE CHAIN HOMOLOGUES.

18 SOME TRADE AND OTHER NAMES:

19 CP47,497

20 (iii) 1-PENTYL-3-(1-NAPHTHOYL)INDOLE.

21 SOME TRADE AND OTHER NAMES:

22 JWH-018

23 (iv) 1-BUTYL-3-(1-NAPHTHOYL)INDOLE.

SOME TRADE AND OTHER NAMES:

JWH-073

(v) JWH-015 (2-METHYL-1-PROPYL-1H-INDOL-3-YL) -1-

NAPHTHALENYL-METHANONE.

(vi) JWH-200 [1-[2-(4-MORPHOLINYL)ETHYL]-1H-INDOL-3-YL]-1-

NAPHTHALENYL-METHANONE.

(vii) JWH-250 1-(1-PENTYL-1H-INDOL-3-YL)-2-(2-METHOXYPHENYL)-

ETHANONE.

(I) MEPHRADONE (4-METHYLMETHCATHINONE); ALSO KNOWN AS (4-

MMC).

SOME TRADE AND OTHER NAMES:

MCAT, MEOW MEOW, BOUNCE, BUBBLES, AND MAD COW

(J) 4-METHYL-ALPHA-PYRROLIDINOBTYROPHENONE, ALSO KNOWN AS

MPBP.

(K) KHAT, CATHINONE.

(I) SALVIA DIVINORUM AND SALVINORIN A; ALL PARTS OF THE PLANT

PRESENTLY CLASSIFIED BOTANICALLY AS SALVIA DIVINORUM, WHETHER

GROWING OR NOT; THE SEEDS OF THAT PLANT; ANY EXTRACT FROM ANY

PART OF THAT PLANT; AND EVERY COMPOUND, MANUFACTURE, SALTS

DERIVATIVE, MIXTURE, OR PREPARATION OF THAT PLANT OR ITS SEEDS OR

EXTRACTS.

~~———— (2) Marihuana and the substances described in subsection (1)~~

~~(d) and (e) in schedule 1 shall be regulated as provided in~~

~~schedule 2, if they are dispensed in the manner provided in~~

~~sections 7335 and 7336.~~

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

3 Sec. 7403. (1) A person shall not knowingly or intentionally
4 possess a controlled substance, a controlled substance analogue,
5 or a prescription form unless the controlled substance,
6 controlled substance analogue, or prescription form was obtained
7 directly from, or pursuant to, a valid prescription or order of a
8 practitioner while acting in the course of the practitioner's
9 professional practice, or except as otherwise authorized by this
10 article.

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

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

15 (i) Which is in an amount of 1,000 grams or more of any
16 mixture containing that substance is guilty of a felony
17 punishable by imprisonment for life or any term of years or a
18 fine of not more than \$1,000,000.00, or both.

19 (ii) Which is in an amount of 450 grams or more, but less
20 than 1,000 grams, of any mixture containing that substance is
21 guilty of a felony punishable by imprisonment for not more than
22 30 years or a fine of not more than \$500,000.00, or both.

23 (iii) Which is in an amount of 50 grams or more, but less than
24 450 grams, of any mixture containing that substance is guilty of
25 a felony punishable by imprisonment for not more than 20 years or
26 a fine of not more than \$250,000.00, or both.

27 (iv) Which is in an amount of 25 grams or more, but less than

1 50 grams of any mixture containing that substance is guilty of a
2 felony punishable by imprisonment for not more than 4 years or a
3 fine of not more than \$25,000.00, or both.

4 (v) Which is in an amount less than 25 grams of any mixture
5 containing that substance is guilty of a felony punishable by
6 imprisonment for not more than 4 years or a fine of not more than
7 \$25,000.00, or both.

8 (b) Either of the following:

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

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

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

23 (d) Marihuana, **SALVIA DIVINORUM, SALVINORIN A, OR A**
24 **SUBSTANCE DESCRIBED IN SECTION 7212(1)(H)** is guilty of a
25 misdemeanor punishable by imprisonment for not more than 1 year
26 or a fine of not more than \$2,000.00, or both.

27 (e) A prescription form 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.

3 (3) If an individual was sentenced to lifetime probation
4 under subsection (2) (a) (iv) before ~~the effective date of the~~
5 ~~amendatory act that added this subsection~~ **APRIL 1, 2003** and the
6 individual has served 5 or more years of that probationary
7 period, the probation officer for that individual may recommend
8 to the court that the court discharge the individual from
9 probation. If an individual's probation officer does not
10 recommend discharge as provided in this subsection, with notice
11 to the prosecutor, the individual may petition the court seeking
12 resentencing under the court rules. The court may discharge an
13 individual from probation as provided in this subsection. An
14 individual may file more than 1 motion seeking resentencing under
15 this subsection.

16 Sec. 7404. (1) A person shall not use a controlled substance
17 or controlled substance analogue unless the substance was
18 obtained directly from, or pursuant to, a valid prescription or
19 order of a practitioner while acting in the course of the
20 practitioner's professional practice, or except as otherwise
21 authorized by this article.

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

23 (a) A controlled substance classified in schedule 1 or 2 as
24 a narcotic drug or a drug described in section 7212(1)(g) or
25 7214(a)(iv) or (c)(ii) is guilty of a misdemeanor punishable by
26 imprisonment for not more than 1 year or a fine of not more than
27 \$2,000.00, or both.

1 (b) A controlled substance classified in schedule 1, 2, 3,
2 or 4, except a controlled substance for which a penalty is
3 prescribed in subdivision (a), (c), or (d), or a controlled
4 substance analogue, is guilty of a misdemeanor punishable by
5 imprisonment for not more than 1 year or a fine of not more than
6 \$1,000.00, or both.

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

12 (d) Marihuana, **SALVIA DIVINORUM, SALVINORIN A, OR A**
13 **SUBSTANCE DESCRIBED IN SECTION 7212(1)(H)** is guilty of a
14 misdemeanor punishable by imprisonment for not more than 90 days
15 or a fine of not more than \$100.00, or both.

16 Enacting section 1. This amendatory act takes effect October
17 1, 2010.