

SENATE BILL No. 570

May 12, 2009, Introduced by Senators PATTERSON, RICHARDVILLE, PAPPAGEORGE, VAN WOERKOM, JELINEK, KUIPERS, HARDIMAN and ANDERSON and referred to the Committee on Health Policy.

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 |
| 9 Allylprodine | Dimenoxadol | Norlevorphanol |
| 10 Alpha-acetylmethadol | Dimepheptanol | Normethadone |

| | | | |
|----|--------------------|------------------------|---------------|
| 1 | Alphameprodine | Dimethylthiambutene | Norpipanone |
| 2 | Alphamethadol | Dioxaphetyl butyrate | Phenadoxone |
| 3 | Benzethidine | Dipipanone | Phenampromide |
| 4 | Betacetylmethadol | Ethylmethylthiambutene | Phenomorphane |
| 5 | Betameprodine | Etonitazene | Phenoperidine |
| 6 | Betamethadol | Etoxadine | Piritramide |
| 7 | Betaprodine | Furethidine | Proheptazine |
| 8 | Clonitazene | Hydroxypethidine | Properidine |
| 9 | Dextromoramide | Ketobemidone | Propiram |
| 10 | Diampromide | Levomoramide | Racemoramide |
| 11 | Diethylthiambutene | Levophenacetylmorphine | Trimeperidine |
| 12 | | Morpheridine | |
| 13 | | | |

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

| | | | |
|----|-----------------------|--------------------------|------------------|
| 18 | Acetorphine | Drotebanol | Morphine-N-Oxide |
| 19 | Acetyldihydrocodeine | Etorphine | Myrophine |
| 20 | Benzylmorphine | Heroin | Nicocodeine |
| 21 | Codeine methylbromide | Hydromorphanol | Nicomorphine |
| 22 | Codeine-N-Oxide | Methyldesorphine | Normorphine |
| 23 | Cyprenorphine | Methyldihydromorphine | Pholcodine |
| 24 | Desomorphine | Morphine methylbromide | Thebacon |
| 25 | Dihydromorphine | Morphine methylsulfonate | |

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

31 2-Methylamino-1-phenylpropan-1-one
 32 Some trade and other names:
 33 Methcathinone
 34 Cat
 35 Ephedrone

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
27 DOM, STP
28 4-methoxyamphetamine
29 Some trade or other names:
30 4-methoxy-a-methylphenethylamine; paramethoxy amphetamine;
31 PMA

Ibogaine

Some trade and other names:

7-Ethyl-6,6a,7,8,9,10,12,13

Octahydro-2-methoxy-6,9-methano-5H-

pyrido (1, 2:1, 2 azepino 4, 5-b) indole

tabernanthe iboga

Lysergic acid diethylamide

Marihuana, ~~except as otherwise provided in subsection (2)~~

Mecloqualone

Mescaline

Peyote

N-ethyl-3 piperidyl benzilate

N-methyl-3 piperidyl benzilate

Psilocybin

Psilocyn

SALVIA DIVINORUM

SALVINORIN A

Thiophene analog of phencyclidine

Some trade or other names:

1-(1-(2-thienyl)cyclohexyl) piperidine)

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) \triangle^6 cis or trans tetrahydrocannabinol, and their optical isomers.

(iii) $\triangle^{3,4}$, 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

~~———— (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.~~

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

Sec. 7403. (1) A person shall not knowingly or intentionally possess a controlled substance, a controlled substance analogue, or a prescription form unless the controlled substance,

1 controlled substance analogue, or prescription form was obtained
2 directly from, or pursuant to, a valid prescription or order of a
3 practitioner while acting in the course of the practitioner's
4 professional practice, or except as otherwise authorized by this
5 article.

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

7 (a) A controlled substance classified in schedule 1 or 2
8 that is a narcotic drug or a drug described in section
9 7214(a)(iv), and:

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

14 (ii) Which is in an amount of 450 grams or more, but less
15 than 1,000 grams, of any mixture containing that substance is
16 guilty of a felony punishable by imprisonment for not more than
17 30 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 than
19 450 grams, of any mixture containing that substance is guilty of
20 a felony punishable by imprisonment for not more than 20 years or
21 a fine of not more than \$250,000.00, or both.

22 (iv) Which is in an amount of 25 grams or more, but less than
23 50 grams of any mixture containing that substance is guilty of a
24 felony punishable by imprisonment for not more than 4 years or a
25 fine of not more than \$25,000.00, or both.

26 (v) Which is in an amount less than 25 grams of any mixture
27 containing that substance is guilty of a felony punishable by

1 imprisonment for not more than 4 years or a fine of not more than
2 \$25,000.00, or both.

3 (b) Either of the following:

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

7 (ii) A controlled substance classified in schedule 1, 2, 3,
8 or 4, except a controlled substance for which a penalty is
9 prescribed in subdivision (a), (b)(i), (c), or (d), or a
10 controlled substance analogue is guilty of a felony punishable by
11 imprisonment for not more than 2 years or a fine of not more than
12 \$2,000.00, or both.

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

18 (d) Marihuana, **SALVIA DIVINORUM, OR SALVINORIN A** is guilty
19 of a misdemeanor punishable by imprisonment for not more than 1
20 year or a fine of not more than \$2,000.00, or both.

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

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~~ **APRIL 1, 2003** and the
27 individual has served 5 or more years of that probationary

1 period, the probation officer for that individual may recommend
2 to the court that the court discharge the individual from
3 probation. If an individual's probation officer does not
4 recommend discharge as provided in this subsection, with notice
5 to the prosecutor, the individual may petition the court seeking
6 resentencing under the court rules. The court may discharge an
7 individual from probation as provided in this subsection. An
8 individual may file more than 1 motion seeking resentencing under
9 this subsection.

10 Sec. 7404. (1) A person shall not use a controlled substance
11 or controlled substance analogue unless the substance was
12 obtained directly from, or pursuant to, a valid prescription or
13 order of a practitioner while acting in the course of the
14 practitioner's professional practice, or except as otherwise
15 authorized by this article.

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

17 (a) A controlled substance classified in schedule 1 or 2 as
18 a narcotic drug or a drug described in section 7212(1)(g) or
19 7214(a)(iv) or (c)(ii) is guilty of a misdemeanor punishable by
20 imprisonment for not more than 1 year or a fine of not more than
21 \$2,000.00, or both.

22 (b) A controlled substance classified in schedule 1, 2, 3,
23 or 4, except a controlled substance for which a penalty is
24 prescribed in subdivision (a), (c), or (d), or a controlled
25 substance analogue, is guilty of a misdemeanor punishable by
26 imprisonment for not more than 1 year or a fine of not more than
27 \$1,000.00, or both.

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 a fine
5 of not more than \$500.00, or both.

6 (d) Marihuana, **SALVIA DIVINORUM, OR SALVINORIN A**, is guilty
7 of a misdemeanor punishable by imprisonment for not more than 90
8 days or a fine of not more than \$100.00, or both.