

Act No. 171  
Public Acts of 2010  
Approved by the Governor  
September 30, 2010  
Filed with the Secretary of State  
September 30, 2010  
EFFECTIVE DATE: October 1, 2010

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2010**

**Introduced by Reps. Rick Jones, Agema, Ball, Barnett, Bauer, Bledsoe, Bolger, Lisa Brown, Terry Brown, Byrnes, Calley, Constan, Crawford, Daley, Denby, DeShazor, Durhal, Ebli, Elsenheimer, Espinoza, Geiss, Gonzales, Green, Haase, Haines, Hansen, Haugh, Haveman, Hildenbrand, Horn, Jackson, Johnson, Robert Jones, Kennedy, Knollenberg, Kowall, Kurtz, Leland, Liss, Lori, Marleau, Mayes, Meekhof, Melton, Meltzer, Moss, Nathan, Neumann, Opsommer, Polidori, Proos, Roberts, Rocca, Rogers, Wayne Schmidt, Schuitmaker, Bettie Scott, Paul Scott, Segal, Sheltroun, Slavens, Slezak, Spade, Stamas, Stanley, Switalski, Tyler, Valentine and Warren**

# **ENROLLED HOUSE BILL No. 6038**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services; to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 7212 and 7218 (MCL 333.7212 and 333.7218), section 7212 as amended by 2002 PA 710 and section 7218 as amended by 1998 PA 319.

*The People of the State of Michigan enact:*

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

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

Acetylmethadol	Difenoxin	Noracymethadol
Allylprodine	Dimenoxadol	Norlevorphanol
Alpha-acetylmethadol	Dimepheptanol	Normethadone
Alphameprodine	Dimethylthiambutene	Norpipanone
Alphamethadol	Dioxaphetyl butyrate	Phenadoxone

Benzethidine	Dipipanone	Phenampromide
Betacetylmethadol	Ethylmethylthiambutene	Phenomorphan
Betameprodine	Etonitazene	Phenoperidine
Betamethadol	Etoxidine	Piritramide
Betaprodine	Furethidine	Proheptazine
Clonitazene	Hydroxypethidine	Propidine
Dextromoramide	Ketobemidone	Propiram
Diampromide	Levomoramide	Racemoramide
Diethylthiambutene	Levophenacymorphan	Trimeperidine
	Morpheridine	

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

Acetorphine	Drotebanol	Morphine-N-Oxide
Acetyldihydrocodeine	Etorphine	Myrophine
Benzylmorphine	Heroin	Nicocodeine
Codeine methylbromide	Hydromorphenol	Nicomorphine
Codeine-N-Oxide	Methyldesorphine	Normorphine
Cyprenorphine	Methyldihydromorphine	Pholcodine
Desomorphine	Morphine methylbromide	Thebacon
Dihydromorphine	Morphine methylsulfonate	

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

2-Methylamino-1-phenylpropan-1-one

Some trade and other names:

Methcathinone

Cat

Ephedrone

3, 4-methylenedioxy amphetamine

5-methoxy-3, 4-methylenedioxy  
amphetamine

3, 4, 5-trimethoxy amphetamine

Bufotenine

Some trade and other names:

3-(B-dimethylaminoethyl)-5 hydroxyindole

3-(2-dimethylaminoethyl)-5 indolol

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

Mappine

2, 5-Dimethoxyamphetamine

Some trade or other names:

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

4-Bromo-2, 5-Dimethoxyamphetamine

Some trade or other names:

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

2,5-DMA

Diethyltryptamine

Some trade and other names:

N,N-Diethyltryptamine; DET

Dimethyltryptamine

Some trade or other names:

DMT

4-methyl-2, 5-dimethoxyamphetamine

Some trade and other names:

4-methyl-2, 5-dimethoxy-a-methyl-phenethylamine

DOM, STP

4-methoxyamphetamine

Some trade or other names:

4-methoxy-a-methylphenethylamine; paramethoxy amphetamine;

PMA

Ibogaine

Some trade and other names:

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

Octahydro-2-methoxy-6,9-methano-5H-pyrindo (1, 2:1, 2 azepino 4, 5-b) indole  
tabernanthe iboga

Lysergic acid diethylamide

Marihuana

Mecloqualone

Mescaline

Peyote

N-ethyl-3 piperidyl benzilate

N-methyl-3 piperidyl benzilate

Psilocybin

Psilocyn

Thiophene analog of phencyclidine

Some trade or other names:

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

2-thienyl analog of phencyclidine; TPCP

(d) 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)  $\Delta^1$  cis or trans tetrahydrocannabinol, and their optical isomers.

(ii)  $\Delta^6$  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

N-Benzylpiperazine

Some trade and other names:

BZP

Benzylpiperazine

1-(phenylmethyl)-piperazine

3-Chlorophenylpiperazine

Some trade and other names:

MCP

1-(3-Trifluoromethylphenyl)piperazine

Some trade and other names:

TFMPP

4-Bromo-2,5-dimethoxybenzylpiperazine

Some trade and other names:

2C-B-BZP

(h) All of the following:

(i) (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

Some trade and other names:

HU-210

(ii) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol and its side chain homologues.

Some trade and other names:

CP47,497

(iii) 1-pentyl-3-(1-naphthoyl)indole.

Some trade and other names:

JWH-018

(iv) 1-butyl-3-(1-naphthoyl)indole.

Some trade and other names:

JWH-073

(v) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone.

Some trade and other names:

JWH-015

(vi) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone.

Some trade and other names:

JWH-200

(vii) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone.

Some trade and other names:

JWH-250

(i) Mephredone (4-methylmethcathinone).

Some trade and other names:

4-MMC, M-Cat, meow meow, bounce, bubbles, and mad cow

(j) 4-Methyl-alpha-pyrrolidinobutyrophenone.

Some trade and other names:

MPBP

(k) *Catha edulis*; except as provided in subdivision (l) and section 7218, all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the leaves and seeds of that plant; any extract from any part of that plant; and every compound, salt, derivative, mixture, or preparation of that plant or its leaves, seeds, or extracts.

Some trade and other names:

Khat

Qat

(l) Cathinone.

(m) *Salvia divinorum*; except as provided in subdivision (n), all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not; the leaves and seeds of that plant; any extract from any part of that plant; and every compound, salt, derivative, mixture, or preparation of that plant or its leaves, seeds, or extracts.

(n) Salvinorin A.

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

Sec. 7218. (1) The following controlled substances are included in schedule 4:

(a) Any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

Barbital	Flurazepam
Chloral Betaine	Lorazepam
Chloral Hydrate	Mebutamate
Chlordiazepoxide	Meprobamate
Clonazepam	Methohexital
Clorazepate	Methylphenobarbital
Dextropropoxyphene	Oxazepam
Diazepam	Paraldehyde
Ethchlorvynol	Petrichloral
Ethinamate	Phenobarbital
Flunitrazepam	Prazepam

(b) Any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with an effect on the central nervous system, including their salts, optical, positional, or geometric isomers, and salts of the isomers if the existence of the salts, isomers, and salts of isomers is possible.

Fenfluramine

(c) Any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, optical,

positional, or geometric isomers, and salts of the isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

Diethylpropion

Phentermine

Pemoline, including organometallic complexes and chelates of pemoline.

Cathine

Some trade and other names:

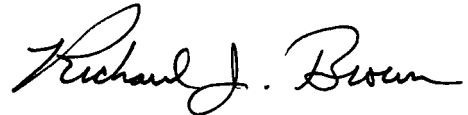
d-norpseudoephedrine

(2) The administrator may except by rule any compound, mixture or preparation containing any substance listed in subsection (1) from the application of all or any part of this article if the compound, mixture or preparation contains 1 or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system and if the admixtures are in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances having a depressant or stimulant effect on the central nervous system.

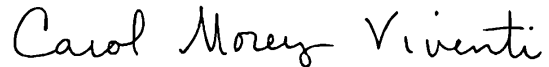
Enacting section 1. This amendatory act takes effect October 1, 2010.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 6226 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor