

# SENATE BILL No. 277

May 12, 1987, Introduced by Senators GEAKE, DINGELL, DI NELLO,  
ARTHURHULTZ and GEO. HART and referred to the Committee on  
Judiciary.

A bill to amend section 7401 of Act No. 368 of the Public  
Acts of 1978, entitled as amended  
"Public health code,"  
being section 333.7401 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 7401 of Act No. 368 of the Public Acts  
2 of 1978, being section 333.7401 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 7401. (1) Except as authorized by this article, a  
5 person shall not manufacture, deliver, or possess with intent to  
6 manufacture or deliver, a controlled substance. A practitioner  
7 licensed by the administrator under this article shall not dis-  
8 pense, prescribe, or administer a controlled substance for other  
9 than legitimate and professionally recognized therapeutic or

1 scientific purposes or outside the scope of practice of the  
2 practitioner, licensee, or applicant.

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

4 (a) A controlled substance classified in schedule 1 or 2  
5 which is either a narcotic drug or described in section 7214(a)  
6 (iv) and:

7 (i) Which is in an amount of 650 grams or more of any mix-  
8 ture containing that substance is guilty of a felony and shall be  
9 imprisoned for life.

10 (ii) Which is in an amount of 225 grams or more, but less  
11 than 650 grams, of any mixture containing that substance is  
12 guilty of a felony and shall be imprisoned for not less than 20  
13 years nor more than 30 years.

14 (iii) Which is in an amount of 50 grams or more, but less  
15 than 225 grams, of any mixture containing that substance is  
16 guilty of a felony and shall be ~~either~~ imprisoned for not less  
17 than ~~10~~ 5 years nor more than 20 years. ~~or placed on proba-~~  
18 ~~tion for life.~~

19 (iv) Which is in an amount less than 50 grams of any mixture  
20 containing that substance is guilty of a felony and ~~may~~ SHALL  
21 be imprisoned for not LESS THAN 1 YEAR NOR more than 20 years,  
22 ~~or~~ AND MAY BE fined not more than \$25,000.00. ~~, or both.~~

23 (b) Any other controlled substance classified in schedule 1,  
24 2, or 3, except marihuana, is guilty of a felony, punishable by  
25 imprisonment for not more than 7 years, or a fine of not more  
26 than \$5,000.00, or both.

1 (c) A substance classified in schedule 4 or marihuana, is  
2 guilty of a felony, punishable by imprisonment for not more than  
3 4 years, or a fine of not more than \$2,000.00, or both.

4 (d) A substance classified in schedule 5, is guilty of a  
5 felony, punishable by imprisonment for not more than 2 years, or  
6 a fine of not more than \$2,000.00, or both.

7 (3) A term of imprisonment imposed pursuant to subsection  
8 (2)(a)(i), (ii), or (iii) or section 7403(2)(a)(i), (ii), or  
9 (iii) shall be imposed to run consecutively with any term of  
10 imprisonment imposed for the commission of another felony. An  
11 individual subject to a mandatory term of imprisonment under sub-  
12 section (2)(a)(i), (ii), or (iii) or section 7403(2)(a)(i), (ii),  
13 or (iii) shall not be eligible for probation, suspension of that  
14 sentence, or parole during that mandatory term, except and only  
15 to the extent that ~~those provisions permit~~ SECTION 7403  
16 (2)(A)(iii) PERMITS probation for life.