

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1082

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7212, 7401, 7402, 7403, and 7404 (MCL
333.7212, 333.7401, 333.7402, 333.7403, and 333.7404), section
7212 as amended by 2011 PA 88, sections 7401 and 7403 as amended
by 2010 PA 352, section 7402 as amended by 2002 PA 710, and
section 7404 as amended by 2010 PA 169, and by adding section
7417.

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

1 isomers, esters, ethers, and salts is possible within the
 2 specific chemical designation:

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

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

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

1 Dihydromorphine Morphine methylsulfonate

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

7 2-Methylamino-1-phenylpropan-1-one

8 Some trade and other names:

9 Methcathinone

10 Cat

11 Ephedrone

12 3, 4-methylenedioxy amphetamine

13 5-methoxy-3, 4-methylenedioxy

14 amphetamine

15 3, 4, 5-trimethoxy amphetamine

16 Bufotenine

17 Some trade and other names:

18 3-(B-dimethylaminoethyl)-5 hydroxyindole

19 3-(2-dimethylaminoethyl)-5 indolol

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

21 Mappine

22 2, 5-Dimethoxyamphetamine

23 Some trade or other names:

24 2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA

25 4-Bromo-2, 5-Dimethoxyamphetamine

26 Some trade or other names:

27 4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo

28 2,5-DMA

29 Diethyltryptamine

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

1 2-thienyl analog of phencyclidine; TCP

2 (d) Synthetic equivalents of the substances contained in the
3 plant, or in the resinous extractives of cannabis and synthetic
4 substances, derivatives, and their isomers with similar chemical
5 structure or pharmacological activity, or both, such as the
6 following, are included in schedule 1:

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

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

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

13 (E) SYNTHETIC CANNABINOIDS. AS USED IN THIS SUBDIVISION,
14 "SYNTHETIC CANNABINOIDS" INCLUDES ANY MATERIAL, COMPOUND,
15 MIXTURE, OR PREPARATION THAT IS NOT OTHERWISE LISTED AS A
16 CONTROLLED SUBSTANCE IN THIS SCHEDULE OR IN SCHEDULES II THROUGH
17 V, IS NOT APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AS
18 A DRUG, AND CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES,
19 THEIR SALTS, ISOMERS (WHETHER OPTICAL, POSITIONAL, OR GEOMETRIC),
20 HOMOLOGUES (ANALOGS), AND SALTS OF ISOMERS AND
21 HOMOLOGUES (ANALOGS), UNLESS SPECIFICALLY EXCEPTED, WHENEVER THE
22 EXISTENCE OF THESE SALTS, ISOMERS, HOMOLOGUES (ANALOGS), AND SALTS
23 OF ISOMERS AND HOMOLOGUES (ANALOGS) IS POSSIBLE WITHIN THE
24 SPECIFIC CHEMICAL DESIGNATION:

25 (i) ANY COMPOUND CONTAINING A 3-(1-NAPHTHOYL)INDOLE
26 STRUCTURE, ALSO KNOWN AS NAPHTHOYLINDOLES, WITH SUBSTITUTION AT

1 THE NITROGEN ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL,
2 ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
3 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
4 NOT FURTHER SUBSTITUTED ON THE INDOLE RING TO ANY EXTENT AND
5 WHETHER OR NOT SUBSTITUTED ON THE NAPHTHYL RING TO ANY EXTENT.
6 EXAMPLES OF THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT LIMITED TO:
7 JWH-007, JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122,
8 JWH-200, JWH-210, JWH-398, AM-1220, AM-2201, AND WIN-55, 212-2.

9 (ii) ANY COMPOUND CONTAINING A 1H-INDOL-3-YL-(1-
10 NAPHTHYL)METHANE STRUCTURE, ALSO KNOWN AS NAPHTHYLMETHYLINDOLES,
11 WITH SUBSTITUTION AT THE NITROGEN ATOM OF THE INDOLE RING BY AN
12 ALKYL, HALOALKYL, ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-
13 (N-METHYL-2- PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP,
14 WHETHER OR NOT FURTHER SUBSTITUTED ON THE INDOLE RING TO ANY
15 EXTENT AND WHETHER OR NOT SUBSTITUTED ON THE NAPHTHYL RING TO ANY
16 EXTENT. EXAMPLES OF THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT
17 LIMITED TO: JWH-175, AND JWH-184.

18 (iii) ANY COMPOUND CONTAINING A 3-(1-NAPHTHOYL)PYRROLE
19 STRUCTURE, ALSO KNOWN AS NAPHTHOYLPYRROLES WITH SUBSTITUTION AT
20 THE NITROGEN ATOM OF THE PYRROLE RING BY AN ALKYL, HALOALKYL,
21 ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
22 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
23 NOT FURTHER SUBSTITUTED ON THE PYRROLE RING TO ANY EXTENT AND
24 WHETHER OR NOT SUBSTITUTED ON THE NAPHTHYL RING TO ANY EXTENT.
25 EXAMPLES OF THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT LIMITED TO:
26 JWH-370, JWH-030.

27 (iv) ANY COMPOUND CONTAINING A NAPHTHYLIDENEINDENE STRUCTURE

1 WITH SUBSTITUTION AT THE 3-POSITION OF THE INDENE RING BY AN
2 ALKYL, HALOALKYL, ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-
3 (N-METHYL-2-PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP,
4 WHETHER OR NOT FURTHER SUBSTITUTED ON THE INDENE RING TO ANY
5 EXTENT AND WHETHER OR NOT SUBSTITUTED ON THE NAPHTHYL RING TO ANY
6 EXTENT. EXAMPLES OF THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT
7 LIMITED TO: JWH-176.

8 (v) ANY COMPOUND CONTAINING A 3-PHENYLACETYLINDOLE
9 STRUCTURE, ALSO KNOWN AS PHENACETYLINDOLES, WITH SUBSTITUTION AT
10 THE NITROGEN ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL,
11 ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
12 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
13 NOT FURTHER SUBSTITUTED ON THE INDOLE RING TO ANY EXTENT AND
14 WHETHER OR NOT SUBSTITUTED ON THE PHENYL RING TO ANY EXTENT.
15 EXAMPLES OF THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT LIMITED TO:
16 RCS-8 (SR-18), JWH-250, JWH-203, JWH-251, AND JWH-302.

17 (vi) ANY COMPOUND CONTAINING A 2-(3-HYDROXYCYCLOHEXYL)PHENOL
18 STRUCTURE, ALSO KNOWN AS CYCLOHEXYLPHENOLS, WITH SUBSTITUTION AT
19 THE 5-POSITION OF THE PHENOLIC RING BY AN ALKYL, HALOALKYL,
20 ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
21 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
22 NOT SUBSTITUTED ON THE CYCLOHEXYL RING TO ANY EXTENT. EXAMPLES OF
23 THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT LIMITED TO: CP-47,497
24 (AND HOMOLOGUES (ANALOGS)), CANNABICYCLOHEXANOL, AND CP-55,940.

25 (vii) ANY COMPOUND CONTAINING A 3-(BENZOYL)INDOLE STRUCTURE,
26 ALSO KNOWN AS BENZOYLINDOLES, WITH SUBSTITUTION AT THE NITROGEN
27 ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,

1 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
2 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
3 NOT FURTHER SUBSTITUTED ON THE INDOLE RING TO ANY EXTENT AND
4 WHETHER OR NOT SUBSTITUTED ON THE PHENYL RING TO ANY EXTENT.
5 EXAMPLES OF THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT LIMITED TO:
6 AM-694, PRAVADOLINE (WIN-48,098), RCS-4, AM-630, AM-679, AM-1241,
7 AND AM-2233.

8 (viii) ANY COMPOUND CONTAINING A 11-HYDROXY- Δ^8 -
9 TETRAHYDROCANNABINOL STRUCTURE, ALSO KNOWN AS DIBENZOPYRANS, WITH
10 FURTHER SUBSTITUTION ON THE 3-PENTYL GROUP BY AN ALKYL,
11 HALOALKYL, ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-
12 METHYL-2-PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP.
13 EXAMPLES OF THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT LIMITED TO:
14 HU-210, JWH-051, JWH-133.

15 (ix) ANY COMPOUND CONTAINING A 3-(L-ADAMANTOYL)INDOLE
16 STRUCTURE, ALSO KNOWN AS ADAMANTOYLINDOLES, WITH SUBSTITUTION AT
17 THE NITROGEN ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL,
18 ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
19 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
20 NOT FURTHER SUBSTITUTED ON THE ADAMANTYL RING SYSTEM TO ANY
21 EXTENT. EXAMPLES OF THIS STRUCTURAL CLASS INCLUDE BUT ARE NOT
22 LIMITED TO: AM-1248.

23 (x) ANY OTHER SYNTHETIC CHEMICAL COMPOUND THAT IS A
24 CANNABINOID RECEPTOR AGONIST AND MIMICS THE PHARMACOLOGICAL
25 EFFECT OF NATURALLY OCCURRING CANNABINOIDS THAT IS NOT LISTED IN
26 SCHEDULES II THROUGH V AND IS NOT APPROVED BY THE FEDERAL FOOD
27 AND DRUG ADMINISTRATION AS A DRUG.

1 (F) ~~(e)~~—Compounds of structures ~~of substances~~ referred to in
2 subdivision (d), regardless of numerical designation of atomic
3 positions, are included.

4 (G) ~~(f)~~—Gamma-hydroxybutyrate and any isomer, salt, or salt
5 of isomer of gamma-hydroxybutyrate.

6 Some trade and other names:
7 Sodium oxybate
8 4-hydroxybutanoic acid monosodium salt

9 (H) ~~(g)~~—3,4-methylenedioxymethamphetamine.

10 Some trade and other names:
11 Ecstasy
12 MDMA

13 (I) ~~(h)~~—N-Benzylpiperazine

14 Some trade and other names:
15 BZP
16 Benzylpiperazine
17 1-(phenylmethyl)-piperazine

18 (J) ~~(i)~~—3-Chlorophenylpiperazine

19 Some trade and other names:
20 MCPD

21 (K) ~~(j)~~—1-(3-Trifluoromethylphenyl)piperazine

22 Some trade and other names:

1 TFMPP

2 (I) ~~(k)~~ 4-Bromo-2,5-dimethoxybenzylpiperazine

3 Some trade and other names:

4 2C-B-BZP

5 (M) ~~(l)~~ All of the following:

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

8 Some trade and other names:

9 HU-210

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

12 Some trade and other names:

13 CP47,497

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

15 Some trade and other names:

16 JWH-018

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

18 Some trade and other names:

19 JWH-073

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

- 1 methanone.
- 2 Some trade and other names:
3 JWH-015
- 4 (vi) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
5 naphthalenyl-methanone.
- 6 Some trade and other names:
7 JWH-200
- 8 (vii) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-
9 ethanone.
- 10 Some trade and other names:
11 JWH-250
- 12 **(N)** ~~(m)~~-Mephedrone (4-methylmethcathinone).
- 13 Some trade and other names:
14 4-MMC, M-Cat, meow meow, miaow miaow, bounce, bubbles, bubble
15 love, mad cow, plant food, drone, and neo doves
- 16 **(O)** ~~(n)~~-4-Methyl-alpha-pyrrolidinobutyrophenone.
- 17 Some trade and other names:
18 MPBP
- 19 **(P)** ~~(e)~~-Methylenedioxypropylone
- 20 Some trade and other names:

1 MDPV, Bath salts, charge plus, cloud nine, hurricane Charlie,
2 ivory wave, ocean, red dove, scarface, sonic, white dove,
3 white lightning

4 (Q) ~~(p)~~—5,6-Methylenedioxy-2-aminoindane

5 Some trade and other names:

6 MDAI

7 Woof-woof

8 (R) ~~(q)~~—Naphyrone (Naphthylpyrovalerone)

9 Some trade and other names:

10 NRG-1

11 Rave

12 (S) ~~(r)~~—Pyrovalerone (1-(4-Methylphenyl)-2-(1-pyrrolidinyl)-
13 1-pentanone)

14 (T) ~~(s)~~—Catha edulis; except as provided in subdivision ~~(t)~~

15 (U) and section 7218, all parts of the plant presently classified

16 botanically as catha edulis, whether growing or not; the leaves

17 and seeds of that plant; any extract from any part of that plant;

18 and every compound, salt, derivative, mixture, or preparation of

19 that plant or its leaves, seeds, or extracts.

20 Some trade and other names:

21 Khat

22 Qat

23 (U) ~~(t)~~—Cathinone.

1 (V) ~~(u)~~Salvia divinorum; except as provided in subdivision
2 ~~(v)~~, (W), all parts of the plant presently classified botanically
3 as salvia divinorum, whether growing or not; the leaves and seeds
4 of that plant; any extract from any part of that plant; and every
5 compound, salt, derivative, mixture, or preparation of that plant
6 or its leaves, seeds, or extracts.

7 (W) ~~(v)~~Salvinorin A.

8 (X) SYNTHETIC CATHINONES. AS USED IN THIS SUBDIVISION,
9 "SYNTHETIC CATHINONES" INCLUDES ANY MATERIAL, COMPOUND, MIXTURE,
10 OR PREPARATION THAT IS NOT OTHERWISE LISTED AS A CONTROLLED
11 SUBSTANCE IN THIS SCHEDULE OR IN SCHEDULES II THROUGH V, IS NOT
12 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AS A DRUG,
13 AND CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES, THEIR
14 SALTS, ISOMERS (WHETHER OPTICAL, POSITIONAL, OR GEOMETRIC),
15 HOMOLOGUES (ANALOGS), AND SALTS OF ISOMERS AND HOMOLOGUES
16 (ANALOGS), UNLESS SPECIFICALLY EXCEPTED, WHENEVER THE EXISTENCE
17 OF THESE SALTS, ISOMERS, HOMOLOGUES (ANALOGS), AND SALTS OF
18 ISOMERS AND HOMOLOGUES (ANALOGS) IS POSSIBLE WITHIN THE SPECIFIC
19 CHEMICAL DESIGNATION:

20 (i) ANY COMPOUND CONTAINING A 2-AMINO-1-PROPANONE STRUCTURE
21 WITH SUBSTITUTION AT THE 1-POSITION WITH A MONOCYCLIC OR FUSED
22 POLYCYCLIC RING SYSTEM AND A SUBSTITUTION AT THE NITROGEN ATOM BY
23 AN ALKYL GROUP, CYCLOALKYL GROUP, OR INCORPORATION INTO A
24 HETEROCYCLIC STRUCTURE. EXAMPLES OF THIS STRUCTURAL CLASS
25 INCLUDE, BUT ARE NOT LIMITED TO, DIMETHYLCATHINONE, ETHCATHINONE,
26 AND ALPHA-PYRROLIDINOPROPIOPHENONE.

27 (ii) ANY COMPOUND CONTAINING A 2-AMINO-1-PROPANONE STRUCTURE

1 WITH SUBSTITUTION AT THE 1-POSITION WITH A MONOCYCLIC OR FUSED
2 POLYCYCLIC RING SYSTEM AND A SUBSTITUTION AT THE 3-POSITION
3 CARBON WITH AN ALKYL, HALOALKYL, OR ALKOXY GROUP. EXAMPLES OF
4 THIS STRUCTURAL CLASS INCLUDE, BUT ARE NOT LIMITED TO, NAPHYRONE.

5 (iii) ANY COMPOUND CONTAINING A 2-AMINO-1-PROPANONE STRUCTURE
6 WITH SUBSTITUTION AT THE 1-POSITION WITH A MONOCYCLIC OR FUSED
7 POLYCYCLIC RING SYSTEM AND A SUBSTITUTION AT ANY POSITION OF THE
8 RING SYSTEM WITH AN ALKYL, HALOALKYL, HALOGEN, ALKYLENEDIOXY, OR
9 ALKOXY GROUP, WHETHER OR NOT FURTHER SUBSTITUTED AT ANY POSITION
10 ON THE RING SYSTEM TO ANY EXTENT. EXAMPLES OF THIS STRUCTURAL
11 CLASS INCLUDE, BUT ARE NOT LIMITED TO, MEPHEDRONE, METHYLONE, AND
12 3-FLUOROMETHYLONE.

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

15 Sec. 7401. (1) Except as authorized by this article, a
16 person shall not manufacture, create, deliver, or possess with
17 intent to manufacture, create, or deliver a controlled substance,
18 a prescription form, or a counterfeit prescription form. A
19 practitioner licensed by the administrator under this article
20 shall not dispense, prescribe, or administer a controlled
21 substance for other than legitimate and professionally recognized
22 therapeutic or scientific purposes or outside the scope of
23 practice of the practitioner, licensee, or applicant.

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

25 (a) A controlled substance classified in schedule 1 or 2
26 that is a narcotic drug or a drug described in section 7214(a) (iv)
27 and:

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

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

9 (iii) Which is in an amount of 50 grams or more, but less than
10 450 grams, of any mixture containing that substance is guilty of
11 a felony punishable by imprisonment for not more than 20 years or
12 a fine of not more than \$250,000.00, or both.

13 (iv) Which is in an amount less than 50 grams, of any mixture
14 containing that substance is guilty of a felony punishable by
15 imprisonment for not more than 20 years or a fine of not more
16 than \$25,000.00, or both.

17 (b) Either of the following:

18 (i) A substance described in section ~~7212(1)(g)~~ **7212(1)(H)** or
19 7214(c)(ii) is guilty of a felony punishable by imprisonment for
20 not more than 20 years or a fine of not more than \$25,000.00, or
21 both.

22 (ii) Any other controlled substance classified in schedule 1,
23 2, or 3, except marihuana is guilty of a felony punishable by
24 imprisonment for not more than 7 years or a fine of not more than
25 \$10,000.00, or both.

26 (c) A substance classified in schedule 4 is guilty of a
27 felony punishable by imprisonment for not more than 4 years or a

1 fine of not more than \$2,000.00, or both.

2 (d) Marihuana or a mixture containing marihuana is guilty of
3 a felony punishable as follows:

4 (i) If the amount is 45 kilograms or more, or 200 plants or
5 more, by imprisonment for not more than 15 years or a fine of not
6 more than \$10,000,000.00, or both.

7 (ii) If the amount is 5 kilograms or more but less than 45
8 kilograms, or 20 plants or more but fewer than 200 plants, by
9 imprisonment for not more than 7 years or a fine of not more than
10 \$500,000.00, or both.

11 (iii) If the amount is less than 5 kilograms or fewer than 20
12 plants, by imprisonment for not more than 4 years or a fine of
13 not more than \$20,000.00, or both.

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

17 (f) A prescription form or a counterfeit prescription form
18 is guilty of a felony punishable by imprisonment for not more
19 than 7 years or a fine of not more than \$5,000.00, or both.

20 (3) A term of imprisonment imposed under subsection (2)(a)
21 may be imposed to run consecutively with any term of imprisonment
22 imposed for the commission of another felony.

23 (4) If an individual was sentenced to lifetime probation
24 under subsection (2)(a)(iv) as it existed before March 1, 2003 and
25 the individual has served 5 or more years of that probationary
26 period, the probation officer for that individual may recommend
27 to the court that the court discharge the individual from

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

8 (5) As used in this section, "plant" means a marihuana plant
9 that has produced cotyledons or a cutting of a marihuana plant
10 that has produced cotyledons.

11 Sec. 7402. (1) Except as authorized by this article, a
12 person shall not create, manufacture, deliver, or possess with
13 intent to deliver a counterfeit substance or a controlled
14 substance analogue intended for human consumption. This section
15 does not apply to a person who manufactures or distributes a
16 substance in conformance with the provisions of an approved new
17 drug application or an exemption for investigational use within
18 the meaning of section 505 of the federal food, drug, and
19 cosmetic act, 21 U.S.C. 355. For purposes of this section,
20 section 505 of the federal food, drug, and cosmetic act shall be
21 applicable to the introduction or delivery for introduction of
22 any new drug into intrastate, interstate, or foreign commerce.

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

24 (a) A counterfeit substance classified in schedule 1 or 2
25 which is either a narcotic drug or a drug described in section
26 ~~7212(1)(g)~~ **7212(1)(H)** or 7214(a)(iv) or (c)(ii), is guilty of a
27 felony punishable by imprisonment for not more than 10 years or a

1 fine of not more than \$10,000.00, or both.

2 (b) Any other counterfeit substance classified in schedule
3 1, 2, or 3, is guilty of a felony punishable by imprisonment for
4 not more than 5 years or a fine of not more than \$5,000.00, or
5 both.

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

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

12 (e) A controlled substance analogue, is guilty of a felony
13 punishable by imprisonment for not more than 15 years or a fine
14 of not more than \$250,000.00, or both.

15 Sec. 7403. (1) A person shall not knowingly or intentionally
16 possess a controlled substance, a controlled substance analogue,
17 or a prescription form unless the controlled substance,
18 controlled substance analogue, or prescription form was obtained
19 directly from, or pursuant to, a valid prescription or order of a
20 practitioner while acting in the course of the practitioner's
21 professional practice, or except as otherwise authorized by this
22 article.

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

24 (a) A controlled substance classified in schedule 1 or 2
25 that is a narcotic drug or a drug described in section
26 7214(a)(iv), and:

27 (i) Which is in an amount of 1,000 grams or more of any

1 mixture containing that substance is guilty of a felony
2 punishable by imprisonment for life or any term of years or a
3 fine of not more than \$1,000,000.00, or both.

4 (ii) Which is in an amount of 450 grams or more, but less
5 than 1,000 grams, of any mixture containing that substance is
6 guilty of a felony punishable by imprisonment for not more than
7 30 years or a fine of not more than \$500,000.00, or both.

8 (iii) Which is in an amount of 50 grams or more, but less than
9 450 grams, of any mixture containing that substance is guilty of
10 a felony punishable by imprisonment for not more than 20 years or
11 a fine of not more than \$250,000.00, or both.

12 (iv) Which is in an amount of 25 grams or more, but less than
13 50 grams of any mixture containing that substance is guilty of a
14 felony punishable by imprisonment for not more than 4 years or a
15 fine of not more than \$25,000.00, or both.

16 (v) Which is in an amount less than 25 grams of any mixture
17 containing that substance is guilty of a felony punishable by
18 imprisonment for not more than 4 years or a fine of not more than
19 \$25,000.00, or both.

20 (b) Either of the following:

21 (i) A substance described in section ~~7212(1)(g)~~ **7212(1)(H)** or
22 7214(c)(ii) is guilty of a felony punishable by imprisonment for
23 not more than 10 years or a fine of not more than \$15,000.00, or
24 both.

25 (ii) A controlled substance classified in schedule 1, 2, 3,
26 or 4, except a controlled substance for which a penalty is
27 prescribed in subdivision (a), (b)(i), (c), or (d), or a

1 controlled substance analogue is guilty of a felony punishable by
2 imprisonment for not more than 2 years or a fine of not more than
3 \$2,000.00, or both.

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

9 (d) Marihuana is guilty of a misdemeanor punishable by
10 imprisonment for not more than 1 year or a fine of not more than
11 \$2,000.00, or both.

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

15 (3) If an individual was sentenced to lifetime probation
16 under subsection (2)(a)(iv) as it existed before March 1, 2003 and
17 the individual has served 5 or more years of that probationary
18 period, the probation officer for that individual may recommend
19 to the court that the court discharge the individual from
20 probation. If an individual's probation officer does not
21 recommend discharge as provided in this subsection, with notice
22 to the prosecutor, the individual may petition the court seeking
23 resentencing under the court rules. The court may discharge an
24 individual from probation as provided in this subsection. An
25 individual may file more than 1 motion seeking resentencing under
26 this subsection.

27 Sec. 7404. (1) A person shall not use a controlled substance

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

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

7 (a) A controlled substance classified in schedule 1 or 2 as
8 a narcotic drug or a drug described in section ~~7212(1)(g)~~
9 **7212(1)(H)** or 7214(a)(iv) or (c)(ii) is guilty of a misdemeanor
10 punishable by imprisonment for not more than 1 year or a fine of
11 not more than \$2,000.00, or both.

12 (b) A controlled substance classified in schedule 1, 2, 3,
13 or 4, except a controlled substance for which a penalty is
14 prescribed in subdivision (a), (c), or (d), or a controlled
15 substance analogue, is guilty of a misdemeanor punishable by
16 imprisonment for not more than 1 year or a fine of not more than
17 \$1,000.00, 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 6 months or a fine
22 of not more than \$500.00, or both.

23 (d) Marihuana, catha edulis, salvia divinorum, or a
24 substance described in section ~~7212(1)(h)~~ **7212(1)(I)** is guilty of
25 a misdemeanor punishable by imprisonment for not more than 90
26 days or a fine of not more than \$100.00, or both.

27 **SEC. 7417. (1) A PERSON WHO KNOWS THAT A NAMED PRODUCT**

1 CONTAINS OR PREVIOUSLY CONTAINED AN INGREDIENT THAT WAS
2 DESIGNATED TO BE A SCHEDULE 1 CONTROLLED SUBSTANCE SHALL NOT SELL
3 OR OFFER TO SELL ANY OTHER PRODUCT WHILE REPRESENTING THAT IT
4 CONTAINS AN INGREDIENT THAT PRODUCES THE SAME OR A SUBSTANTIALLY
5 SIMILAR PHYSIOLOGICAL OR PSYCHOLOGICAL EFFECT AS THAT SCHEDULED
6 INGREDIENT. THIS SUBSECTION DOES NOT APPLY TO A PRODUCT APPROVED
7 BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

8 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
10 NOT MORE THAN \$20,000.00, OR BOTH.

11 (3) AS USED IN THIS SECTION, "NAMED PRODUCT" MEANS EITHER OF
12 THE FOLLOWING:

13 (A) A PRODUCT HAVING A DESIGNATED BRAND NAME.

14 (B) A PRODUCT HAVING A STREET OR COMMON NAME WITH
15 APPLICATION SUFFICIENT TO IDENTIFY THE PRODUCT AS A SPECIFIC
16 PRODUCT WITHIN THIS STATE OR WITHIN A LOCAL UNIT OF GOVERNMENT.

17 Enacting section 1. This amendatory act takes effect July 1,
18 2012.