

SENATE BILL No. 1175

November 10, 2016, Introduced by Senator JONES and referred to the Committee on
Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7401 (MCL 333.7401), as amended by 2012 PA 183.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7401. (1) Except as authorized by this article, a person
2 shall not manufacture, create, deliver, or possess with intent to
3 manufacture, create, or deliver a controlled substance, a
4 prescription form, or a counterfeit prescription form. A
5 practitioner licensed by the administrator under this article shall
6 not dispense, prescribe, or administer a controlled substance for
7 other than legitimate and professionally recognized therapeutic or
8 scientific purposes or outside the scope of practice of the

1 practitioner, licensee, or applicant.

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

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

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

9 (ii) Which is in an amount of 450 grams or more, but less than
10 1,000 grams, of any mixture containing that substance is guilty of
11 a felony and punishable by imprisonment for not more than 30 years
12 or a fine of not more than \$500,000.00, or both.

13 (iii) Which is in an amount of 50 grams or more, but less than
14 450 grams, of any mixture containing that substance is guilty of a
15 felony punishable by imprisonment for not more than 20 years or a
16 fine of not more than \$250,000.00, or both.

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

21 (b) Either of the following:

22 (i) A substance described in section 7212(1) (h) or 7214(c) (ii)
23 is guilty of a felony punishable by imprisonment for not more than
24 20 years or a fine of not more than \$25,000.00, or both.

25 (ii) Any other controlled substance classified in schedule 1,
26 2, or 3, except marihuana **OR A SUBSTANCE LISTED IN SECTION**
27 **7212(1) (D)**, is guilty of a felony punishable by imprisonment for

1 not more than 7 years or a fine of not more than \$10,000.00, or
2 both.

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

6 (d) Marihuana, ~~or~~ a mixture containing marihuana, **OR A**
7 **SUBSTANCE LISTED IN SECTION 7212(1)(D)** is guilty of a felony
8 punishable as follows:

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

12 (ii) If the amount is 5 kilograms or more but less than 45
13 kilograms, or 20 plants or more but fewer than 200 plants, by
14 imprisonment for not more than 7 years or a fine of not more than
15 \$500,000.00, or both.

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

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

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

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

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

12 (5) As used in this section, "plant" means a marihuana plant
13 that has produced cotyledons or a cutting of a marihuana plant that
14 has produced cotyledons.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.