

**SUBSTITUTE FOR
HOUSE BILL NO. 5138**

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 13m of chapter XVII (MCL 777.13m), as amended
by 2016 PA 549.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XVII

2

Sec. 13m. This chapter applies to the following felonies
enumerated in chapter 333 of the Michigan Compiled Laws:

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M.C.L.	Category	Class Description	Stat Max
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1	333.7340	CS	F	Sale, distribution, or	4
2				delivery of product	
3				containing ephedrine	
4				or pseudoephedrine by	
5				mail, internet, or	
6				telephone	
7	333.7340c(2)	CS	D	Soliciting another	10
8				person to purchase or	
9				obtain ephedrine or	
10				pseudoephedrine to	
11				manufacture	
12				methamphetamine	
13	333.7341(8)	CS	G	Delivery or	2
14				manufacture of	
15				imitation controlled	
16				substance	
17	333.7401(2)(a)(i)	CS	AB	Delivery or	Life 30
18				manufacture of 1,000	
19				or more grams of	
20				certain schedule 1 or	
21				2 controlled	
22				substances	
23	333.7401(2)(a)(ii)	CS	AB	Delivery or	30 20
24				manufacture of 450 or	
25				more but less than	
26				1,000 grams of certain	
27				schedule 1 or 2	
28				controlled substances	

1	333.7401 (2) (a) (iii)	CS	BC	Delivery or	20
2				manufacture of 50 or	
3				more but less than 450	
4				grams of certain	
5				schedule 1 or 2	
6				controlled substances	
7	333.7401 (2) (a) (iv)	CS	D	Delivery or	20 10
8				manufacture of less	
9				than 50 grams of	
10				certain schedule 1 or	
11				2 controlled	
12				substances	
13	333.7401 (2) (b) (i)	CS	B	Delivery or	20
14				manufacture of	
15				methamphetamine or 3,	
16				4-	
17				methylenedioxymethamph	
18				etamine	
19	333.7401 (2) (b) (ii)	CS	E	Delivery or	7
20				manufacture of certain	
21				schedule 1, 2, or 3	
22				controlled substances	
23	333.7401 (2) (c)	CS	F	Delivery or	4
24				manufacture of	
25				schedule 4 controlled	
26				substance	

1	333.7401 (2) (d) (i)	CS	C	Delivery or	15
2				manufacture of 45 or	
3				more kilograms of	
4				marihuana or synthetic	
5				equivalents of	
6				marihuana	
7	333.7401 (2) (d) (ii)	CS	D	Delivery or	7
8				manufacture of 5 or	
9				more but less than 45	
10				kilograms of marihuana	
11				or synthetic	
12				equivalents of	
13				marihuana	
14	333.7401 (2) (d) (iii)	CS	F	Delivery or	4
15				manufacture of less	
16				than 5 kilograms or 20	
17				plants of marihuana or	
18				synthetic equivalents	
19				of marihuana	
20	333.7401 (2) (e)	CS	G	Delivery or	2
21				manufacture of	
22				schedule 5 controlled	
23				substance	
24	333.7401 (2) (f)	CS	D	Delivery or	7
25				manufacture of a	
26				prescription form or	
27				counterfeit	
28				prescription form	

1	333.7401 (2) (g) (i)	CS	A	Delivery or	Life
2				manufacture of 1,000	
3				or more grams of	
4				heroin, fentanyl, or	
5				carfentanil or mixture	
6				of heroin, fentanyl,	
7				or carfentanil	
8	333.7401 (2) (g) (ii)	CS	A	Delivery or	30
9				manufacture of 450 or	
10				more but less than	
11				1,000 grams of heroin,	
12				fentanyl, or	
13				carfentanil or mixture	
14				of heroin, fentanyl,	
15				or carfentanil	
16	333.7401 (2) (g) (iii)	CS	A	Delivery or	20
17				manufacture of 50 or	
18				more but less than 450	
19				grams of heroin,	
20				fentanyl, or	
21				carfentanil or mixture	
22				of heroin, fentanyl,	
23				or carfentanil	

1	333.7401 (2) (g) (iv)	CS	B	Delivery or	20
2				manufacture of less	
3				than 50 grams of	
4				heroin, fentanyl, or	
5				carfentanil or mixture	
6				of heroin, fentanyl,	
7				or carfentanil	
8	333.7401 (2) (h) (i)	CS	A	Delivery or	Life
9				manufacture of 1,000	
10				or more grams of	
11				certain opiates	
12	333.7401 (2) (h) (ii)	CS	A	Delivery or	30
13				manufacture of 450 or	
14				more but less than	
15				1,000 grams of certain	
16				opiates	
17	333.7401 (2) (h) (iii)	CS	B	Delivery or	20
18				manufacture of 50 or	
19				more but less than 450	
20				grams of certain	
21				opiates	
22	333.7401 (2) (h) (iv)	CS	D	Delivery or	10
23				manufacture of less	
24				than 50 grams of	
25				certain opiates	

1	333.7401a	Person	B	Delivering a	20
2				controlled substance	
3				or GBL with intent to	
4				commit criminal sexual	
5				conduct	
6	333.7401b(3) (a)	CS	E	Delivery or	7
7				manufacture of GBL	
8	333.7401b(3) (b)	CS	G	Possession of GBL	2
9	333.7401c(2) (a)	CS	D	Operating or	10
10				maintaining controlled	
11				substance laboratory	
12	333.7401c(2) (b)	CS	B	Operating or	20
13				maintaining controlled	
14				substance laboratory	
15				in presence of minor	
16	333.7401c(2) (c)	CS	B	Operating or	20
17				maintaining controlled	
18				substance laboratory	
19				involving hazardous	
20				waste	
21	333.7401c(2) (d)	CS	B	Operating or	20
22				maintaining controlled	
23				substance laboratory	
24				near certain places	
25	333.7401c(2) (e)	CS	A	Operating or	25
26				maintaining controlled	
27				substance laboratory	
28				involving firearm or	
29				other harmful device	



1	333.7401c (2) (f)	CS	B	Operating or	20
2				maintaining controlled	
3				substance laboratory	
4				involving	
5				methamphetamine	
6	333.7402 (2) (a)	CS	D	Delivery or	10
7				manufacture of certain	
8				counterfeit controlled	
9				substances	
10	333.7402 (2) (b)	CS	E	Delivery or	5
11				manufacture of	
12				schedule 1, 2, or 3	
13				counterfeit controlled	
14				substance	
15	333.7402 (2) (c)	CS	F	Delivery or	4
16				manufacture of	
17				counterfeit schedule 4	
18				controlled substance	
19	333.7402 (2) (d)	CS	G	Delivery or	2
20				manufacture of	
21				counterfeit schedule 5	
22				controlled substance	
23	333.7402 (2) (e)	CS	C	Delivery or	15
24				manufacture of	
25				controlled substance	
26				analogue	

1	333.7403 (2) (a) (i)	CS	A	Possession of 1,000 or	Life
2				more grams of certain	
3				schedule 1 or 2	
4				controlled substances	
5	333.7403 (2) (a) (ii)	CS	A	Possession of 450 or	30
6				more but less than	
7				1,000 grams of certain	
8				schedule 1 or 2	
9				controlled substances	
10	333.7403 (2) (a) (iii)	CS	B	Possession of 50 or	20
11				more but less than 450	
12				grams of certain	
13				schedule 1 or 2	
14				controlled substances	
15	333.7403 (2) (a) (iv)	CS	G	Possession of 25 or	4
16				more but less than 50	
17				grams of certain	
18				schedule 1 or 2	
19				controlled substances	
20	333.7403 (2) (a) (v)	CS	G	Possession of less	4
21				than 25 grams of	
22				certain schedule 1 or	
23				2 controlled	
24				substances	
25	333.7403 (2) (b) (i)	CS	D	Possession of	10
26				methamphetamine or 3,	
27				4-	
28				methylenedioxymethamph	
29				etamine	

1	333.7403 (2) (b) (ii)	CS	G	Possession of certain	2
2				schedule 1, 2, 3, or 4	
3				controlled substances	
4				or controlled	
5				substances analogue	
6	333.7403a	CS	F	Fraudulently obtaining	4
7				controlled substance	
8				or prescription for	
9				controlled substance	
10	333.7405 (1) (a)	CS	G	Controlled substance	2
11				violations by licensee	
12	333.7405 (1) (b)	CS	G	Manufacturing or	2
13				distribution	
14				violations by licensee	
15	333.7405 (1) (c)	CS	G	Refusing lawful	2
16				inspection	
17	333.7405 (1) (d)	CS	G	Maintaining drug house	2
18	333.7405 (1) (e)	CS	G	Unlawfully dispensing	2
19				out-of-state	
20				prescription	
21	333.7407 (1) (a)	CS	G	Controlled substance	4
22				violations by licensee	
23	333.7407 (1) (b)	CS	G	Use of fictitious,	4
24				revoked, or suspended	
25				license number	
26	333.7407 (1) (c)	CS	G	Obtaining controlled	4
27				substance by fraud	

1	333.7407(1)(d)	CS	G	False reports under	4
2				controlled substance	
3				article	
4	333.7407(1)(e)	CS	G	Possession of	4
5				counterfeiting	
6				implements	
7	333.7407(1)(f)	CS	F	Disclosing or	4
8				obtaining prescription	
9				information Possession	
10				of a counterfeit	
11				prescription form	
12	333.7407(1)(g)	CS	F	Possession of	4
13				counterfeit	
14				prescription form	
15	333.7407(2)	CS	G	Refusing to furnish	4
16				records under	
17				controlled substance	
18				article	
19	333.7410a	CS	G	Controlled substance	2
20				offense or offense	
21				involving GBL in or	
22				near a park	
23	333.7417	CS	F	Sell or offer to sell	4
24				named product	
25				producing same or	
26				similar effect as	
27				scheduled ingredient	

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



1 Enacting section 2. This amendatory act does not take effect
2 unless House Bill No. 5137 of the 100th Legislature is enacted into
3 law.

