



**House
Legislative
Analysis
Section**

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"DESIGNER" DRUGS

House Bill 5812
Sponsor: Rep. Mary C. Brown
Committee: Public Health

Complete to 10-22-90

A SUMMARY OF HOUSE BILL 5812 AS INTRODUCED 5-24-90

The states and the federal government regulate ("control") certain drugs because of their toxic effects and potential danger to the public health. Some of these drugs have accepted medical uses and can be prescribed and taken under medical supervision; some have no accepted medical uses and cannot be legally prescribed even by licensed health care practitioners.

The federal controlled substance statute—and the state statutes modeled after the federal law—divides these restricted drugs into five "schedules," depending primarily on their legitimized medical uses and on their potential for producing physical or psychological dependency.

Schedule 1 drugs (which include heroin, LSD, marijuana, mescaline, and peyote) have no currently accepted medical uses (with the exception of marijuana), and are considered to have a high potential for addiction and to be unsafe for use even under medical supervision. Schedule 1 drugs, therefore, cannot be legally prescribed even by licensed medical practitioners. The other scheduled drugs currently have accepted medical uses, can be legally prescribed by properly licensed health professionals, and are considered to have a lower potential for abuse than Schedule 1 drugs.

Like other state drug ("controlled substance") laws, and like the federal controlled substance law up to 1986, the Michigan Public Health Code restricts certain drugs by listing them by "official, common, usual, chemical, or trade name." "Underground" chemists, however, still can design new drugs (thus the name "designer drugs") by first figuring out which drugs are listed as controlled substances and then making variations of the controlled substance, usually changing the chemical structure of the "parent" drug only enough to avoid coming under the scope of the controlled substance law while keeping essentially the pharmacological (eg. mind-altering) activity of the parent drug.

The bill would amend the Public Health Code to:

- * use chemical structural formulas (which use standard, internationally recognized conventions) instead of names to identify Schedule 1 substances to be controlled;

- * add to the list of drugs to be included in Schedule I, "designer" drugs that were variations (chemical analogs, homologs, and derivatives) of Schedule II drugs (Schedule 2 drugs include opium, cocaine, morphine, codeine, and amphetamine); and

- * exempt agents or employees of licensed researchers from licensure requirements so that they could lawfully possess controlled substances or official prescription forms if they were acting in the usual course of their employment or business.

MCL 333.7212 and 333.7303

House Bill 5812 (10-22-90)