

HOUSE BILL No. 4364

March 7, 1989, Introduced by Reps. Clack, Bartnik, Weeks, DeMars, Stallworth and Leland and referred to the Committee on Judiciary.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding section 7402a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 7402a to read as
4 follows:

5 SEC. 7402A. (1) IF A PERSON MANUFACTURES OR DELIVERS METH-
6 AMPHETAMINE, LYSERGIC ACID DIETHYLAMIDE, OR ANY OTHER CONTROLLED
7 SUBSTANCE CLASSIFIED IN SCHEDULE 1 OR 2, OR CREATES OR DELIVERS A
8 CONTROLLED SUBSTANCE ANALOGUE, IN VIOLATION OF SECTION 7401 OR
9 7402, AND THE DEATH OF ANOTHER PERSON RESULTS FROM THE INJECTION,

1 INHALATION, OR INGESTION OF THAT SUBSTANCE, THE PERSON WHO
2 MANUFACTURED OR DELIVERED THE SUBSTANCE IS STRICTLY LIABLE FOR
3 THE DEATH AND IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
4 FOR LIFE OR ANY TERM OF YEARS.

5 (2) FOR PURPOSES OF THIS SECTION, A PERSON'S ACT OF MANUFAC-
6 TURING OR DELIVERING A SUBSTANCE DESCRIBED IN SUBSECTION (1) IS
7 THE CAUSE OF DEATH IF THE DEATH WOULD NOT HAVE OCCURRED BUT FOR
8 THE INJECTION, INHALATION, OR INGESTION OF THE SUBSTANCE.

9 (3) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION
10 THAT THE DECEDENT CONTRIBUTED TO HIS OR HER OWN DEATH BY HIS PUR-
11 POSEFUL, KNOWING, RECKLESS, OR NEGLIGENT INJECTION, INHALATION,
12 OR INGESTION OF THE SUBSTANCE DESCRIBED IN SUBSECTION (1) OR BY
13 CONSENTING TO THE ADMINISTRATION OF THE SUBSTANCE BY ANOTHER.

14 (4) THIS SECTION DOES NOT PRECLUDE OR LIMIT ANY PROSECUTION
15 FOR HOMICIDE. A CONVICTION UNDER THIS SECTION SHALL NOT MERGE
16 WITH A CONVICTION UNDER SECTION 7401 OR 7402 FOR MANUFACTURING,
17 CREATING, OR DELIVERING THE CONTROLLED SUBSTANCE OR CONTROLLED
18 SUBSTANCE ANALOGUE THAT RESULTED IN THE DEATH.