

# SENATE BILL No. 99

February 1, 2011, 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 7403 (MCL 333.7403), as amended by 2010 PA 352.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7403. (1) A person shall not knowingly or intentionally  
2 possess a controlled substance, a controlled substance analogue, or  
3 a prescription form unless the controlled substance, controlled  
4 substance analogue, or prescription form was obtained directly  
5 from, or pursuant to, a valid prescription or order of a  
6 practitioner while acting in the course of the practitioner's  
7 professional practice, or except as otherwise authorized by this  
8 article.

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

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

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

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

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

15 (iv) Which is in an amount of 25 grams or more, but less than  
16 50 grams of any mixture containing that substance is guilty of a  
17 felony punishable by imprisonment for not more than 4 years or a  
18 fine of not more than \$25,000.00, or both.

19 (v) Which is in an amount less than 25 grams of any mixture  
20 containing that substance is guilty of a felony punishable by  
21 imprisonment for not more than 4 years or a fine of not more than  
22 \$25,000.00, or both.

23 (b) Either of the following:

24 (i) A substance described in section 7212(1) (g) or 7214(c) (ii)  
25 is guilty of a felony punishable by imprisonment for not more than  
26 10 years or a fine of not more than \$15,000.00, or both.

27 (ii) A controlled substance classified in schedule 1, 2, 3, or

1 4, except a controlled substance for which a penalty is prescribed  
2 in **SUBPARAGRAPH (i) OR** subdivision (a), ~~(b) (i)~~, (c), or (d), or a  
3 controlled substance analogue is guilty of a felony punishable by  
4 imprisonment for not more than 2 years or a fine of not more than  
5 \$2,000.00, or both.

6 (c) Lysergic acid diethylamide, peyote, mescaline,  
7 dimethyltryptamine, psilocyn, psilocybin, or a controlled substance  
8 classified in schedule 5 is guilty of a misdemeanor punishable by  
9 imprisonment for not more than 1 year or a fine of not more than  
10 \$2,000.00, or both.

11 (d) Marihuana, **CATHA EDULIS, SALVIA DIVINORUM, OR A SUBSTANCE**  
12 **DESCRIBED IN SECTION 7212(1)(H)** is guilty of a misdemeanor  
13 punishable by imprisonment for not more than 1 year or a fine of  
14 not more than \$2,000.00, or both.

15 (e) A prescription form is guilty of a misdemeanor punishable  
16 by imprisonment for not more than 1 year or a fine of not more than  
17 \$1,000.00, or both.

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

1 motion seeking resentencing under this subsection.