

# SENATE BILL NO. 727

February 22, 2024, Introduced by Senators HUIZENGA, WEBBER, BELLINO, NESBITT, THEIS, ALBERT, DALEY, OUTMAN, LAUWERS, LINDSEY, DAMOOSE, VICTORY, HOITENGA, HAUCK and JOHNSON and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

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  
2  
3  
4

CHAPTER XVII

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

| <b>M.C.L.</b> | <b>Category</b> | <b>Class Description</b> | <b>Stat Max</b> |
|---------------|-----------------|--------------------------|-----------------|
|---------------|-----------------|--------------------------|-----------------|

|    |                               |    |   |                                   |                 |
|----|-------------------------------|----|---|-----------------------------------|-----------------|
| 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 | <del>333.7401(2)(a)(i)</del>  | CS | A | <del>Delivery or</del>            | <del>Life</del> |
| 18 |                               |    |   | <del>manufacture of 1,000</del>   |                 |
| 19 |                               |    |   | <del>or more grams of</del>       |                 |
| 20 |                               |    |   | <del>certain schedule 1 or</del>  |                 |
| 21 |                               |    |   | <del>2 controlled</del>           |                 |
| 22 |                               |    |   | <del>substances</del>             |                 |
| 23 | <del>333.7401(2)(a)(ii)</del> | CS | A | <del>Delivery or</del>            | <del>30</del>   |
| 24 |                               |    |   | <del>manufacture of 450 or</del>  |                 |
| 25 |                               |    |   | <del>more but less than</del>     |                 |
| 26 |                               |    |   | <del>1,000 grams of certain</del> |                 |
| 27 |                               |    |   | <del>schedule 1 or 2</del>        |                 |
| 28 |                               |    |   | <del>controlled substances</del>  |                 |

|    |                                |    |   |                                   |    |
|----|--------------------------------|----|---|-----------------------------------|----|
| 1  | <del>333.7401(2)(a)(iii)</del> | CS | B | <del>Delivery or</del>            | 20 |
| 2  |                                |    |   | <del>manufacture of 50 or</del>   |    |
| 3  |                                |    |   | <del>more but less than 450</del> |    |
| 4  |                                |    |   | <del>grams of certain</del>       |    |
| 5  |                                |    |   | <del>schedule 1 or 2</del>        |    |
| 6  |                                |    |   | <del>controlled substances</del>  |    |
| 7  | <del>333.7401(2)(a)(iv)</del>  | CS | D | <del>Delivery or</del>            | 20 |
| 8  |                                |    |   | <del>manufacture of less</del>    |    |
| 9  |                                |    |   | <del>than 50 grams of</del>       |    |
| 10 |                                |    |   | <del>certain schedule 1 or</del>  |    |
| 11 |                                |    |   | <del>2 controlled</del>           |    |
| 12 |                                |    |   | <del>substances</del>             |    |
| 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 (5)     | CS | A | Delivery or            | Life |
| 2  |                  |    |   | manufacture of 1,000   |      |
| 3  |                  |    |   | or more grams of       |      |
| 4  |                  |    |   | certain schedule 1 or  |      |
| 5  |                  |    |   | 2 controlled           |      |
| 6  |                  |    |   | substances             |      |
| 7  | 333.7401 (6) (a) | CS | A | Delivery or            | 40   |
| 8  |                  |    |   | manufacture of 450 or  |      |
| 9  |                  |    |   | more but less than     |      |
| 10 |                  |    |   | 1,000 grams of heroin, |      |
| 11 |                  |    |   | fentanyl, or           |      |
| 12 |                  |    |   | carfentanil, or        |      |
| 13 |                  |    |   | certain opiates        |      |
| 14 | 333.7401 (6) (b) | CS | B | Delivery or            | 30   |
| 15 |                  |    |   | manufacture of 450 or  |      |
| 16 |                  |    |   | more but less than     |      |
| 17 |                  |    |   | 1,000 grams of certain |      |
| 18 |                  |    |   | schedule 1 or 2        |      |
| 19 |                  |    |   | controlled substances  |      |
| 20 | 333.7401 (7) (a) | CS | A | Delivery or            | 30   |
| 21 |                  |    |   | manufacture of 50 or   |      |
| 22 |                  |    |   | more but less than 450 |      |
| 23 |                  |    |   | grams of heroin,       |      |
| 24 |                  |    |   | fentanyl, or           |      |
| 25 |                  |    |   | carfentanil            |      |

|    |                  |        |   |                        |    |
|----|------------------|--------|---|------------------------|----|
| 1  | 333.7401 (7) (b) | CS     | B | Delivery or            | 20 |
| 2  |                  |        |   | manufacture of 50 or   |    |
| 3  |                  |        |   | more but less than 450 |    |
| 4  |                  |        |   | grams of certain       |    |
| 5  |                  |        |   | opiates                |    |
| 6  | 333.7401 (7) (c) | CS     | C | Delivery or            | 20 |
| 7  |                  |        |   | manufacture of 50 or   |    |
| 8  |                  |        |   | more but less than 450 |    |
| 9  |                  |        |   | grams of certain       |    |
| 10 |                  |        |   | schedule 1 or 2        |    |
| 11 |                  |        |   | controlled substances  |    |
| 12 | 333.7401 (8) (a) | CS     | B | Delivery or            | 25 |
| 13 |                  |        |   | manufacture of less    |    |
| 14 |                  |        |   | than 50 grams of       |    |
| 15 |                  |        |   | heroin, fentanyl, or   |    |
| 16 |                  |        |   | carfentanil            |    |
| 17 | 333.7401 (8) (b) | CS     | D | Delivery or            | 20 |
| 18 |                  |        |   | manufacture of less    |    |
| 19 |                  |        |   | than 50 grams of       |    |
| 20 |                  |        |   | certain opiates or     |    |
| 21 |                  |        |   | certain schedule 1 or  |    |
| 22 |                  |        |   | 2 controlled           |    |
| 23 |                  |        |   | substances             |    |
| 24 | 333.7401a        | Person | B | Delivering a           | 20 |
| 25 |                  |        |   | controlled substance   |    |
| 26 |                  |        |   | or GBL with intent to  |    |
| 27 |                  |        |   | commit criminal sexual |    |
| 28 |                  |        |   | conduct                |    |

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

|    |                      |    |   |                        |      |
|----|----------------------|----|---|------------------------|------|
| 1  | 333.7402 (2) (a)     | CS | D | Delivery or            | 10   |
| 2  |                      |    |   | manufacture of certain |      |
| 3  |                      |    |   | counterfeit controlled |      |
| 4  |                      |    |   | substances             |      |
| 5  | 333.7402 (2) (b)     | CS | E | Delivery or            | 5    |
| 6  |                      |    |   | manufacture of         |      |
| 7  |                      |    |   | schedule 1, 2, or 3    |      |
| 8  |                      |    |   | counterfeit controlled |      |
| 9  |                      |    |   | substance              |      |
| 10 | 333.7402 (2) (c)     | CS | F | Delivery or            | 4    |
| 11 |                      |    |   | manufacture of         |      |
| 12 |                      |    |   | counterfeit schedule 4 |      |
| 13 |                      |    |   | controlled substance   |      |
| 14 | 333.7402 (2) (d)     | CS | G | Delivery or            | 2    |
| 15 |                      |    |   | manufacture of         |      |
| 16 |                      |    |   | counterfeit schedule 5 |      |
| 17 |                      |    |   | controlled substance   |      |
| 18 | 333.7402 (2) (e)     | CS | C | Delivery or            | 15   |
| 19 |                      |    |   | manufacture of         |      |
| 20 |                      |    |   | controlled substance   |      |
| 21 |                      |    |   | analogue               |      |
| 22 | 333.7403 (2) (a) (i) | CS | A | Possession of 1,000 or | Life |
| 23 |                      |    |   | more grams of certain  |      |
| 24 |                      |    |   | schedule 1 or 2        |      |
| 25 |                      |    |   | controlled substances  |      |



|    |                        |    |   |                        |    |
|----|------------------------|----|---|------------------------|----|
| 1  | 333.7403 (2) (a) (ii)  | CS | A | Possession of 450 or   | 30 |
| 2  |                        |    |   | more but less than     |    |
| 3  |                        |    |   | 1,000 grams of certain |    |
| 4  |                        |    |   | schedule 1 or 2        |    |
| 5  |                        |    |   | controlled substances  |    |
| 6  | 333.7403 (2) (a) (iii) | CS | B | Possession of 50 or    | 20 |
| 7  |                        |    |   | more but less than 450 |    |
| 8  |                        |    |   | grams of certain       |    |
| 9  |                        |    |   | schedule 1 or 2        |    |
| 10 |                        |    |   | controlled substances  |    |
| 11 | 333.7403 (2) (a) (iv)  | CS | G | Possession of 25 or    | 4  |
| 12 |                        |    |   | more but less than 50  |    |
| 13 |                        |    |   | grams of certain       |    |
| 14 |                        |    |   | schedule 1 or 2        |    |
| 15 |                        |    |   | controlled substances  |    |
| 16 | 333.7403 (2) (a) (v)   | CS | G | Possession of less     | 4  |
| 17 |                        |    |   | than 25 grams of       |    |
| 18 |                        |    |   | certain schedule 1 or  |    |
| 19 |                        |    |   | 2 controlled           |    |
| 20 |                        |    |   | substances             |    |
| 21 | 333.7403 (2) (b) (i)   | CS | D | Possession of          | 10 |
| 22 |                        |    |   | methamphetamine or 3,  |    |
| 23 |                        |    |   | 4-                     |    |
| 24 |                        |    |   | methylenedioxymethamph |    |
| 25 |                        |    |   | 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 | <del>Disclosing or</del>                 | 4 |
| 8  |                           |    |   | <del>obtaining prescription</del>        |   |
| 9  |                           |    |   | <del>information</del> <b>Possession</b> |   |
| 10 |                           |    |   | <b>of a counterfeit</b>                  |   |
| 11 |                           |    |   | <b>prescription form</b>                 |   |
| 12 | <del>333.7407(1)(g)</del> | CS | F | <del>Possession of</del>                 | 4 |
| 13 |                           |    |   | <del>counterfeit</del>                   |   |
| 14 |                           |    |   | <del>prescription form</del>             |   |
| 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 Senate Bill No. 726 of the 102nd Legislature is enacted into  
3 law.