800.285 Violation as felony; penalty; prosecution for delivery or possession of controlled substance.

Sec. 5. (1) Except as provided in subsection (2), a person violating this act is guilty of a felony, punishable by a fine of not more than $1,000.00, or imprisonment for not more than 5 years, or both.

(2) If the delivery of a controlled substance is a felony punishable by imprisonment for more than 5 years under part 74 of Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7415 of the Michigan Compiled Laws, a person who gives, sells, or furnishes a controlled substance in violation of section 1 of this act shall not be prosecuted under this section for that giving, selling, or furnishing. If the possession of a controlled substance is a felony punishable by imprisonment for more than 5 years under part 74 of Act No. 368 of the Public Acts of 1978, a person who possesses, or brings into a correctional facility, a controlled substance in violation of section 1 of this act shall not be prosecuted under this section for that possession.