

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1043**

[A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401, 7402, 7403, 7404, 7410a, and 20954 (MCL 333.7401, 333.7402, 333.7403, 333.7404, 333.7410a, and 333.20954), section 7401 as amended by 1998 PA 319, sections 7402 and 7404 as amended by 1994 PA 38, section 7403 as amended by 1996 PA 249, and section 7410a as added by 1998 PA 261, and by adding section 7401c.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7401. (1) Except as authorized by this article, a
2 person shall not manufacture, create, deliver, or possess with
3 intent to manufacture, create, or deliver a controlled substance,
4 a prescription form, an official prescription form, or a
5 counterfeit prescription form. A practitioner licensed by the
6 administrator under this article shall not dispense, prescribe,

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

2

1 or administer a controlled substance for other than legitimate
2 and professionally recognized therapeutic or scientific purposes
3 or outside the scope of practice of the practitioner, licensee,
4 or applicant.

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

6 (a) A controlled substance classified in schedule 1 or 2
7 that is a narcotic drug or a drug described in section
8 7214(a)(iv) and:

9 (i) Which is in an amount of 650 grams or more of any mix-
10 ture containing that substance is guilty of a felony punishable
11 by imprisonment for life or any term of years but not less than
12 20 years.

13 (ii) Which is in an amount of 225 grams or more, but less
14 than 650 grams, of any mixture containing that substance is
15 guilty of a felony and shall be imprisoned for not less than 20
16 years nor more than 30 years.

17 (iii) Which is in an amount of 50 grams or more, but less
18 than 225 grams, of any mixture containing that substance is
19 guilty of a felony and shall be imprisoned for not less than 10
20 years nor more than 20 years.

21 (iv) Which is in an amount less than 50 grams, of any mix-
22 ture containing that substance is guilty of a felony and shall be
23 imprisoned for not less than 1 year nor more than 20 years, and
24 may be fined not more than \$25,000.00, or placed on probation for
25 life.

26 (b) EITHER OF THE FOLLOWING:

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

3

1 (i) A SUBSTANCE DESCRIBED IN SECTION 7214(C)(ii) IS GUILTY
2 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS
3 OR A FINE OF NOT MORE THAN \$25,000.00, OR BOTH.

4 (ii) Any other controlled substance classified in schedule
5 1, 2, or 3, except marihuana is guilty of a felony punishable by
6 imprisonment for not more than 7 years or a fine of not more than
7 \$10,000.00, or both.

8 (c) A substance classified in schedule 4 is guilty of a
9 felony punishable by imprisonment for not more than 4 years or a
10 fine of not more than \$2,000.00, or both.

11 (d) Marihuana or a mixture containing marihuana is guilty of
12 a felony punishable as follows:

13 (i) If the amount is 45 kilograms or more, or 200 plants or
14 more, by imprisonment for not more than 15 years or a fine of not
15 more than \$10,000,000.00, or both.

16 (ii) If the amount is 5 kilograms or more but less than 45
17 kilograms, or 20 plants or more but fewer than 200 plants, by
18 imprisonment for not more than 7 years or a fine of not more than
19 \$500,000.00, or both.

20 (iii) If the amount is less than 5 kilograms or fewer than
21 20 plants, by imprisonment for not more than 4 years or a fine of
22 not more than \$20,000.00, or both.

23 (e) A substance classified in schedule 5 is guilty of a
24 felony punishable by imprisonment for not more than 2 years or a
25 fine of not more than \$2,000.00, or both.

26 (f) An official prescription form or a counterfeit official
27 prescription form is guilty of a felony punishable by

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

4

1 imprisonment for not more than 20 years or a fine of not more
2 than \$25,000.00, or both.

3 (g) A prescription form or a counterfeit prescription form
4 other than an official prescription form or a counterfeit offi-
5 cial prescription form is guilty of a felony punishable by
6 imprisonment for not more than 7 years or a fine of not more than
7 \$5,000.00, or both.

8 (3) A term of imprisonment imposed ~~pursuant to~~ UNDER sub-
9 section (2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv)
10 shall be imposed to run consecutively with any term of imprison-
11 ment imposed for the commission of another felony. An individual
12 subject to a mandatory term of imprisonment under subsection
13 (2)(a) or section 7403(2)(a)(i), (ii), (iii), or (iv) ~~shall~~ IS
14 not ~~be~~ eligible for probation, suspension of that sentence, or
15 parole during that mandatory term, except ~~and only~~ to the
16 extent that those provisions permit probation for life, and shall
17 not receive a reduction in that mandatory term of imprisonment by
18 disciplinary credits or any other type of sentence credit
19 reduction.

20 (4) The court may depart from the minimum term of imprison-
21 ment authorized under subsection (2)(a)(ii), (iii), or (iv) if
22 the court finds on the record that there are substantial and com-
23 pelling reasons to do so. In addition, if any of the following
24 apply, the court may depart from the minimum term of imprisonment
25 authorized under subsection (2)(a)(ii), (iii), or (iv) if the
26 individual has not previously been convicted of a felony or an
27 assaultive crime and has not been convicted of another felony or

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

5

1 assaultive crime arising from the same transaction as the
2 violation of this section:

3 (a) The person is within the jurisdiction of the circuit
4 court under section 606 of the revised judicature act of 1961,
5 1961 PA 236, MCL 600.606, or section 4 of chapter XIIIA of THE
6 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.4.

7 (b) The person is being sentenced under section 18(1)(n) of
8 chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,
9 MCL 712A.18.

10 (5) As used in this section:

11 (a) "Assaultive crime" means a violation of ~~chapter XI~~
12 SECTIONS 81 TO 90 of the Michigan penal code, 1931 PA 328,
13 MCL 750.81 to 750.90.

14 (b) "Plant" means a marihuana plant that has produced coty-
15 ledons or a cutting of a marihuana plant that has produced
16 cotyledons.

17 SEC. 7401C. (1) A PERSON SHALL NOT DO ANY OF THE
18 FOLLOWING:

19 (A) OWN, POSSESS, OR USE A VEHICLE, BUILDING, STRUCTURE,
20 PLACE, OR AREA THAT HE OR SHE KNOWS OR HAS REASON TO KNOW IS TO
21 BE USED AS A LOCATION TO MANUFACTURE A CONTROLLED SUBSTANCE IN
22 VIOLATION OF SECTION 7401 OR A COUNTERFEIT SUBSTANCE OR A CON-
23 TROLLED SUBSTANCE ANALOGUE IN VIOLATION OF SECTION 7402.

24 (B) OWN OR POSSESS ANY CHEMICAL OR ANY LABORATORY EQUIPMENT
25 THAT HE OR SHE KNOWS OR HAS REASON TO KNOW IS TO BE USED FOR THE
26 PURPOSE OF MANUFACTURING A CONTROLLED SUBSTANCE IN VIOLATION OF

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

6

1 SECTION 7401 OR A COUNTERFEIT SUBSTANCE OR A CONTROLLED SUBSTANCE
2 ANALOGUE IN VIOLATION OF SECTION 7402.

3 (C) PROVIDE ANY CHEMICAL OR LABORATORY EQUIPMENT TO ANOTHER
4 PERSON KNOWING OR HAVING REASON TO KNOW THAT THE OTHER PERSON
5 INTENDS TO USE THAT CHEMICAL OR LABORATORY EQUIPMENT FOR THE PUR-
6 POSE OF MANUFACTURING A CONTROLLED SUBSTANCE IN VIOLATION OF SEC-
7 TION 7401 OR A COUNTERFEIT SUBSTANCE OR A CONTROLLED SUBSTANCE
8 ANALOGUE IN VIOLATION OF SECTION 7402.

9 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
10 PUNISHABLE AS FOLLOWS:

11 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) TO (E), BY
12 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE
13 THAN \$100,000.00, OR BOTH.

14 (B) IF THE VIOLATION IS COMMITTED IN THE PRESENCE OF A
15 MINOR, BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF
16 NOT MORE THAN \$100,000.00, OR BOTH.

17 (C) IF THE VIOLATION INVOLVES THE UNLAWFUL GENERATION,
18 TREATMENT, STORAGE, OR DISPOSAL OF A HAZARDOUS WASTE, BY IMPRIS-
19 ONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN
20 \$100,000.00, OR BOTH.

21 (D) IF THE VIOLATION OCCURS WITHIN 500 FEET OF A RESIDENCE,
22 BUSINESS ESTABLISHMENT, SCHOOL PROPERTY, OR CHURCH OR OTHER HOUSE
23 OF WORSHIP, BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE
24 OF NOT MORE THAN \$100,000.00, OR BOTH.

25 (E) IF THE VIOLATION INVOLVES THE POSSESSION, PLACEMENT, OR
26 USE OF A FIREARM OR ANY OTHER DEVICE DESIGNED OR INTENDED TO BE

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

7

1 USED TO INJURE ANOTHER PERSON, BY IMPRISONMENT FOR NOT MORE THAN
2 25 YEARS OR A FINE OF NOT MORE THAN \$100,000.00, OR BOTH.

3 (3) THIS SECTION DOES NOT APPLY TO A VIOLATION INVOLVING
4 ONLY A SUBSTANCE DESCRIBED IN SECTION 7214(A)(iv) OR MARIHUANA,
5 OR BOTH.

6 (4) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
7 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
8 OF LAW COMMITTED BY THAT PERSON WHILE VIOLATING OR ATTEMPTING TO
9 VIOLATE THIS SECTION.

10 (5) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION MAY BE
11 SERVED CONSECUTIVELY TO ANY OTHER TERM OF IMPRISONMENT IMPOSED
12 FOR A VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION.

13 (6) THE COURT MAY, AS A CONDITION OF SENTENCE, ORDER A
14 PERSON CONVICTED OF A VIOLATION PUNISHABLE UNDER SUBSECTION
15 (2)(C) TO PAY RESPONSE ACTIVITY COSTS ARISING OUT OF THE
16 VIOLATION.

17 (7) AS USED IN THIS SECTION:

18 (A) "HAZARDOUS WASTE" MEANS THAT TERM AS DEFINED IN SECTION
19 11103 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
20 1994 PA 451, MCL 324.11103.

21 (B) "LABORATORY EQUIPMENT" MEANS ANY EQUIPMENT, DEVICE, OR
22 CONTAINER USED OR INTENDED TO BE USED IN THE PROCESS OF MANUFAC-
23 TURING A CONTROLLED SUBSTANCE, COUNTERFEIT SUBSTANCE, OR CON-
24 TROLLED SUBSTANCE ANALOGUE.

25 (C) "MANUFACTURE" MEANS THE PRODUCTION, PREPARATION, PROPA-
26 GATION, COMPOUNDING, CONVERSION, OR PROCESSING OF A CONTROLLED
27 SUBSTANCE, DIRECTLY OR INDIRECTLY BY EXTRACTION FROM SUBSTANCES

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

8

1 OF NATURAL ORIGIN, OR INDEPENDENTLY BY MEANS OF CHEMICAL
2 SYNTHESIS, OR BY A COMBINATION OF EXTRACTION AND CHEMICAL
3 SYNTHESIS. MANUFACTURE DOES NOT INCLUDE ANY OF THE FOLLOWING:

4 (i) THE PACKAGING OR REPACKAGING OF THE SUBSTANCE OR LABEL-
5 ING OR RELABELING OF ITS CONTAINER.

6 (ii) THE PREPARATION OR COMPOUNDING OF A CONTROLLED SUB-
7 STANCE BY ANY OF THE FOLLOWING:

8 (A) A PRACTITIONER AS AN INCIDENT TO THE PRACTITIONER'S
9 ADMINISTERING OR DISPENSING OF A CONTROLLED SUBSTANCE IN THE
10 COURSE OF HIS OR HER PROFESSIONAL PRACTICE.

11 (B) A PRACTITIONER, OR BY THE PRACTITIONER'S AUTHORIZED
12 AGENT UNDER HIS OR HER SUPERVISION, FOR THE PURPOSE OF, OR AS AN
13 INCIDENT TO, RESEARCH, TEACHING, OR CHEMICAL ANALYSIS AND NOT FOR
14 SALE.

15 (D) "MINOR" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

16 (E) "RESPONSE ACTIVITY COSTS" MEANS THAT TERM AS DEFINED IN
17 SECTION 20101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTEC-
18 TION ACT, 1994 PA 451, MCL 324.20101.

19 (F) "SCHOOL PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION
20 7410.

21 (G) "VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 79 OF
22 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.79.

23 Sec. 7402. (1) Except as authorized by this article, a
24 person shall not create, manufacture, deliver, or possess with
25 intent to deliver a counterfeit substance or a controlled sub-
26 stance analogue intended for human consumption. This section
27 does not apply to a person who manufactures or distributes a

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

9

1 substance in conformance with the provisions of an approved new
2 drug application or an exemption for investigational use within
3 the meaning of section 505 of the federal food, drug, and cos-
4 metic act, 21 U.S.C. 355. For purposes of this section,
5 section 505 of the federal food, drug, and cosmetic act shall be
6 applicable to the introduction or delivery for introduction of
7 any new drug into intrastate, interstate, or foreign commerce.

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

9 (a) A counterfeit substance classified in schedule 1 or 2
10 which is either a narcotic drug or described in section
11 7214(a)(iv) OR (C)(ii), is guilty of a felony, punishable by
12 imprisonment for not more than 10 years, or a fine of not more
13 than \$10,000.00, or both.

14 (b) Any other counterfeit substance classified in schedule
15 1, 2, or 3, is guilty of a felony, punishable by imprisonment for
16 not more than 5 years, or a fine of not more than \$5,000.00, or
17 both.

18 (c) A counterfeit substance classified in schedule 4, is
19 guilty of a felony, punishable by imprisonment for not more than
20 4 years, or a fine of not more than \$2,000.00, or both.

21 (d) A counterfeit substance classified in schedule 5, is
22 guilty of a felony, punishable by imprisonment for not more than
23 2 years, or a fine of not more than \$2,000.00, or both.

24 (e) A controlled substance analogue, is guilty of a felony,
25 punishable by imprisonment for not more than 15 years, or a fine
26 of not more than \$250,000.00, or both.

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

10

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

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

11 (a) A controlled substance classified in schedule 1 or 2
12 that is a narcotic drug or a drug described in section
13 7214(a)(iv), and:

14 (i) Which is in an amount of 650 grams or more of any mix-
15 ture containing that substance is guilty of a felony and shall be
16 imprisoned for life except as otherwise provided in this
17 subparagraph. A person convicted of violating this subparagraph
18 may be punished as provided by law by imposing a sentence of
19 imprisonment for any term of years but not less than 25 years if
20 any of the following apply:

21 (A) The person is within the jurisdiction of the circuit
22 court ~~or recorder's court of the city of Detroit~~ under
23 section 606 of the revised judicature act of 1961, ~~Act No. 236~~
24 ~~of the Public Acts of 1961, being section 600.606 of the Michigan~~
25 ~~Compiled Laws~~ 1961 PA 236, MCL 600.606, OR section 4 of chapter
26 XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
27 ~~section 712A.4 of the Michigan Compiled Laws, or~~

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

11

1 ~~section 10a(1)(c) of Act No. 369 of the Public Acts of 1919,~~
2 ~~being section 725.10a of the Michigan Compiled Laws~~ THE PROBATE
3 CODE OF 1939, 1939 PA 288, MCL 712A.4.

4 (B) The person is being sentenced under section 18(1)(n) of
5 chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
6 ~~section 712A.18 of the Michigan Compiled Laws~~ THE PROBATE CODE
7 OF 1939, 1939 PA 288, MCL 712A.18.

8 (ii) Which is in an amount of 225 grams or more, but less
9 than 650 grams, of any mixture containing that substance is
10 guilty of a felony and shall be imprisoned for not less than 20
11 years nor more than 30 years.

12 (iii) Which is in an amount of 50 grams or more, but less
13 than 225 grams, of any mixture containing that substance is
14 guilty of a felony and shall be imprisoned for not less than 10
15 years nor more than 20 years.

16 (iv) Which is in an amount of 25 grams or more, but less
17 than 50 grams of any mixture containing that substance is guilty
18 of a felony and shall be imprisoned for not less than 1 year and
19 not more than 4 years, and may be fined not more than \$25,000.00
20 or placed on probation for life.

21 (v) Which is in an amount less than 25 grams of any mixture
22 containing that substance is guilty of a felony punishable by
23 imprisonment for not more than 4 years or a fine of not more than
24 \$25,000.00, or both.

25 (b) EITHER OF THE FOLLOWING:

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

12

1 (i) A SUBSTANCE DESCRIBED IN SECTION 7214(C)(ii) IS GUILTY
2 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS
3 OR A FINE OF NOT MORE THAN \$15,000.00, OR BOTH.

4 (ii) A controlled substance classified in schedule 1, 2, 3,
5 or 4, except a controlled substance for which a penalty is pre-
6 scribed in subdivision (a), (B)(i), (c), or (d), or a controlled
7 substance analogue is guilty of a felony punishable by imprison-
8 ment for not more than 2 years or a fine of not more than
9 \$2,000.00, or both.

10 (c) Lysergic acid diethylamide, peyote, mescaline, dimethyl-
11 tryptamine, psilocyn, psilocybin, or a controlled substance clas-
12 sified in schedule 5, is guilty of a misdemeanor punishable by
13 imprisonment for not more than 1 year or a fine of not more than
14 \$2,000.00, or both.

15 (d) Marihuana, is guilty of a misdemeanor punishable by
16 imprisonment for not more than 1 year or a fine of not more than
17 \$2,000.00, or both.

18 (e) An official prescription form, is guilty of a felony
19 punishable by imprisonment for not more than 1 year or a fine of
20 not more than \$2,000.00, or both.

21 (f) A prescription form other than an official prescription
22 form, is guilty of a misdemeanor punishable by imprisonment for
23 not more than 1 year or a fine of not more than \$1,000.00, or
24 both.

25 (3) The court may depart from the minimum term of imprison-
26 ment authorized under subsection (2)(a)(ii), (iii), or (iv) if
27 the court finds on the record that there are substantial and

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

13

1 compelling reasons to do so. In addition, if any of the
2 following apply, the court may depart from the minimum term of
3 imprisonment authorized under subsection (2)(a)(ii), (iii), or
4 (iv) if the individual has not previously been convicted of a
5 felony or an assaultive crime and has not been convicted of
6 another felony or assaultive crime arising from the same transac-
7 tion as the violation of this section:

8 (a) The person is within the jurisdiction of the circuit
9 court ~~or recorder's court of the city of Detroit~~ under
10 section 606 of the revised judicature act of 1961, ~~Act No. 236~~
11 ~~of the Public Acts of 1961, being section 600.606 of the Michigan~~
12 ~~Compiled Laws~~ 1961 PA 236, MCL 600.606, OR section 4 of chapter
13 XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
14 ~~section 712A.4 of the Michigan Compiled Laws, or~~
15 ~~section 10a(1)(c) of Act No. 369 of the Public Acts of 1919,~~
16 ~~being section 725.10a of the Michigan Compiled Laws~~ THE PROBATE
17 CODE OF 1939, 1939 PA 288, MCL 712A.4.

18 (b) The person is being sentenced under section 18(1)(n) of
19 chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
20 ~~section 712A.18 of the Michigan Compiled Laws~~ THE PROBATE CODE
21 OF 1939, 1939 PA 288, MCL 712A.18.

22 (4) As used in subsection (3), "assaultive crime" means a
23 violation of ~~chapter XI~~ SECTIONS 81 TO 90 of the Michigan penal
24 code, ~~Act No. 328 of the Public Acts of 1931, being sections~~
25 ~~750.81 to 750.90 of the Michigan Compiled Laws~~ 1931 PA 328,
26 MCL 750.81 TO 750.90.

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

14

1 Sec. 7404. (1) A person shall not use a controlled
2 substance or controlled substance analogue unless the substance
3 was obtained directly from, or pursuant to, a valid prescription
4 or order of a practitioner while acting in the course of the
5 practitioner's professional practice, or except as otherwise
6 authorized by this article.

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

8 (a) A controlled substance classified in schedule 1 or 2 is
9 a narcotic drug or a drug described in section 7214(a)(iv) OR
10 (C)(ii) is guilty of a misdemeanor punishable by imprisonment for
11 not more than 1 year, or a fine of not more than \$2,000.00, or
12 both.

13 (b) A controlled substance classified in schedule 1, 2, 3,
14 or 4, except a controlled substance for which a penalty is pre-
15 scribed in subdivision (a), (c), or (d), or a controlled sub-
16 stance analogue is guilty of a misdemeanor, punishable by impris-
17 onment for not more than 1 year, or a fine of not more than
18 \$1,000.00, or both.

19 (c) Lysergic acid diethylamide, peyote, mescaline, dimethyl-
20 tryptamine, psilocyn, psilocybin, or a controlled substance clas-
21 sified in schedule 5, is guilty of a misdemeanor, punishable by
22 imprisonment for not more than 6 months, or a fine of not more
23 than \$500.00, or both.

24 (d) Marihuana, is guilty of a misdemeanor, punishable by
25 imprisonment for not more than 90 days, or a fine of not more
26 than \$100.00, or both.

SB1043, As Passed House, October 4, 2000

Senate Bill No. 1043

15

1 Sec. 7410a. (1) An individual 18 years of age or over who
2 does any of the following may be punished by a term of
3 imprisonment of not more than 2 years:

4 (a) Violates section 7401(2)(a)(iv) OR (2)(B)(i) OR SECTION
5 7401B by delivering a controlled substance ~~described in schedule~~
6 ~~1 or 2 that is either a narcotic drug or described in section~~
7 ~~7214(a)(iv)~~ OR GAMMA-BUTYROLACTONE to a minor who is in a public
8 park or private park or within 1,000 feet of a public park or
9 private park.

10 (b) Violates section 7401(2)(a)(iv) OR (2)(B)(i) OR SECTION
11 7401B by possessing with intent to deliver a controlled substance
12 ~~described in schedule 1 or 2 that is either a narcotic drug or~~
13 ~~described in section 7214(a)(iv)~~ OR GAMMA-BUTYROLACTONE to a
14 minor who is in a public park or private park or within 1,000
15 feet of a public park or private park.

16 (c) Violates section 7403(2)(a)(v), (b), (c), or (d) OR SEC-
17 TION 7401B by possessing a controlled substance OR
18 GAMMA-BUTYROLACTONE in a public park or private park.

19 (D) VIOLATES SECTION 7401C WITHIN 1,000 FEET OF A PUBLIC
20 PARK OR PRIVATE PARK.

21 (2) The term of imprisonment authorized under subsection (1)
22 is in addition to the term of imprisonment authorized for the
23 violation of section 7401(2)(a)(iv) OR (2)(B)(i), SECTION 7401B,
24 SECTION 7401C, or section 7403(2)(a)(v), (b), (c), or (d).

25 (3) As used in this section:

SB1043, As Passed House, October 4, 2000

Sub. SB 1043 (H-2) as amended October 4, 2000

16 (1 of 2)

1 (a) "Private park" means real property owned or maintained
2 by a private individual or entity and that is open to the general
3 public or local residents for recreation or amusement.

4 (b) "Public park" means real property owned or maintained by
5 this state or a political subdivision of this state that is des-
6 ignated by this state or by that political subdivision as a
7 public park.

[Sec. 20954. (1) Upon proper application to the department and payment of the renewal fee under subsection (2), the department may renew a license for a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator who meets the requirements of this part and completes required ongoing educational programs approved or developed by the department.

(2) Except as otherwise provided in subsection (5), an applicant for renewal of a license under section 20950 shall pay a renewal fee as follows:

- (a) Medical first responder no fee.
- (b) Emergency medical technician \$25.00.
- (c) Emergency medical technician specialist \$25.00.
- (d) Paramedic \$25.00.
- (e) Emergency medical services instructor-coordinator \$50.00.

(3) Except as otherwise provided in subsection (5), if an application for renewal under subsection (1) is received by the department after the date the license expires, the applicant shall pay a late fee in addition to the renewal fee under subsection (2) as follows:

- (a) Emergency medical technician \$50.00.
- (b) Emergency medical technician specialist \$50.00.
- (c) Paramedic \$50.00.
- (d) Emergency medical services instructor-coordinator \$100.00.

~~(4) If the department does not receive an application for renewal from an individual licensed under section 20950 within 60 days after his or her license expires, the department shall not issue a renewal license unless the individual completes the requirements for initial licensure and, if a late fee is required, pays the late fee.~~ A LICENSE OR REGISTRATION SHALL BE RENEWED BY THE LICENSEE ON OR BEFORE THE EXPIRATION DATE AS PRESCRIBED BY RULE. THE DEPARTMENT SHALL MAIL A NOTICE TO THE LICENSEE AT THE LAST KNOWN ADDRESS ON FILE WITH THE DEPARTMENT ADVISING OF THE TIME, PROCEDURE, AND FEE FOR RENEWAL. FAILURE OF THE LICENSEE TO RECEIVE NOTICE UNDER THIS SUBSECTION DOES NOT RELIEVE THE LICENSEE OF THE RESPONSIBILITY FOR RENEWING HIS OR HER LICENSE. A LICENSE NOT RENEWED BY THE EXPIRATION DATE MAY BE RENEWED WITHIN 60 DAYS OF THE EXPIRATION DATE UPON APPLICATION, PAYMENT OF RENEWAL AND LATE RENEWAL FEES, AND FULFILLMENT OF ANY CONTINUED CONTINUING EDUCATION REQUIREMENTS SET FORTH IN RULES PROMULGATED UNDER THIS ARTICLE. THE LICENSEE MAY CONTINUE TO PRACTICE AND USE THE TITLE DURING THE 60-DAY PERIOD. IF A LICENSE IS NOT SO RENEWED WITHIN 60 DAYS OF THE EXPIRATION DATE, THE LICENSE IS VOID. THE LICENSEE SHALL NOT PRACTICE OR USE THE TITLE. AN INDIVIDUAL MAY BE RELICENSED WITHIN 3 YEARS OF THE EXPIRATION DATE UPON APPLICATION, PAYMENT OF THE APPLICATION PROCESSING, RENEWAL, AND LATE RENEWAL FEES, AND FULFILLMENT OF ANY CONTINUING EDUCATION REQUIREMENTS IN EFFECT AT THE TIME OF THE EXPIRATION DATE, OR THAT WOULD HAVE BEEN REQUIRED HAD THE INDIVIDUAL RENEWED HIS OR HER LICENSE PURSUANT TO SUBSECTION (1). AN INDIVIDUAL MAY BE RELICENSED MORE THAN 3 YEARS AFTER THE EXPIRATION DATE UPON APPLICATION AS A NEW APPLICANT, MEETING ALL LICENSURE REQUIREMENTS IN EFFECT AT THE TIME OF APPLICATION, TAKING OR RETAKING AND PASSING ANY EXAMINATIONS REQUIRED FOR INITIAL LICENSURE, AND PAYMENT OF FEES REQUIRED OF NEW APPLICANTS.

SB1043, As Passed House, October 4, 2000

Sub. SB 1043 (H-2) as amended October 4, 2000

16 (2 of 2)

(5) If a life support agency certifies to the department that an applicant for renewal under this section is a volunteer and if the life support agency does not charge for its services, the department shall not require the applicant to pay the fee required under subsection (2) or a late fee under subsection (3). If the applicant for renewal ceases to meet the definition of a volunteer under this part at any time during the effective period of his or her license renewal and is employed as a licensee under this part, the applicant for renewal shall at that time pay the fee required under subsection (2).]

8 Enacting section 1. This amendatory act takes effect

9 January 1, 2001.