



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 6038 (Substitute S-1 as reported)
House Bill 6226 (Substitute S-1 as reported)
Sponsor: Representative Rick Jones (H.B. 6038)
Representative Lisa Brown (H.B. 6226)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 6038 (S-1) would amend the Public Health Code to include certain synthetic cannabinoids, certain Ecstasy-like stimulants commonly known as BZP, and other substances in the list of Schedule 1 controlled substances, and to include Cathine in the list of Schedule 4 controlled substances.

Under the Code, marijuana is a Schedule 1 controlled substance. The bill would include each of the following, all of which are synthetic cannabinoids, in Schedule 1:

- (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210.
- 2-[1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP47,497, and its side chain homologues.
- 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone, also known as JWH-015.
- [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-mentanone, also known as JWH-200.
- 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone, also known as JWH-250.

Under the Code, 3,4-methylenedioxymethamphetamine (also known as Ecstasy and MDMA) is a Schedule 1 controlled substance. The bill would include in Schedule 1 N-Benzylpiperazine, also known as BZP, Benzylpiperazine, and 1-(phenylmethyl)-piperazine. In addition, the bill would include in Schedule 1: 3-chlorophenylpiperazine, also known as MCPP; 1-(3-trifluoromethylphenyl)piperazine, also known as TFMPP; and 4-bromo-2,5-dimethoxybenzylpiperazine, also known as 2C-B-BZP.

The bill also would include all of the following in Schedule 1:

- Mephadrone (4-methylmethcathinone), also known as 4-MMC, M-CAT, Meow Meow, Bounce, Bubbles, and Mad Cow.
- 4-methyl-alpha-pyrrolidinobutyrophenone, also known as MPBP.
- Catha Edulis (except for Cathinone and Cathine), also known as Khat or Qat.
- Cathinone.
- Salvia Divinorum.
- Salvinorin A.

The bill would include Cathine, also known as D-Norpseudoephedrine, in Schedule 4.

House Bill 6226 (S-1) would amend the Public Health Code to extend the penalties for possession and use of marihuana and other controlled substances to the possession and use of the substances listed in House Bill 6038 (S-1).

Under the Code, a person may not knowingly or intentionally possess or use a controlled substance or controlled substance analogue unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice. A possession violation involving marihuana is a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$2,000, or both. A violation involving the use of marihuana is a misdemeanor punishable by up to 90 days' imprisonment, a maximum fine of \$100, or both. The bill would extend those penalties to the possession and use of the synthetic cannabinoids described in House Bill 6038 (S-1), Catha Edulis, and Salvia Divinorum.

Under the Code, knowingly or intentionally possessing Ecstasy or an analogue of it is a felony, punishable by up to 10 years' imprisonment and/or a maximum fine of \$15,000. Using Ecstasy or an analogue is a misdemeanor, punishable by up to one year's imprisonment and/or a maximum fine of \$2,000. Under the bill, those penalties would apply to the possession or use of BZP, MCPP, TFMPP, and 2C-B-BZP.

Knowingly or intentionally possessing other controlled substances classified in Schedule 1, 2, 3, or 4 is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000. Using other Schedule 1, 2, 3, or 4 controlled substances is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000.

The bills are tie-barred and would take effect on October 1, 2010.

MCL 333.7212 & 333.7218 (H.B. 6038)
333.7403 & 333.7404 (H.B. 6226)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses. To the extent that the bills resulted in an increase in felony convictions, the State would be responsible for the associated costs. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Any increase in misdemeanor convictions under these bills would increase costs borne by local jurisdictions. Local governments would incur the costs of incarceration in local facilities, which vary by county. Any additional penal fine revenue would benefit public libraries.

Date Completed: 9-16-10

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.