



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 6038 (Substitute H-2 as passed by the House)
House Bill 6226 (as passed by the House)
Sponsor: Representative Rick Jones (H.B. 6038)
Representative Lisa Brown (H.B. 6226)
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 9-3-10

CONTENT

The bills would amend the Public Health Code to include certain synthetic cannabinoids and an Ecstasy-like stimulant commonly known as "BZP" in the list of Schedule 1 controlled substances, and to extend the penalties for possession and use of marihuana and Ecstasy to the possession and use of the synthetic cannabinoids and BZP.

The bills would take effect on October 1, 2010. House Bill 6226 is tie-barred to House Bill 6038. (House Bill 6226 contains penalty provisions identical to those in House Bill 6038 (H-2).)

Synthetic Marihuana

Under the Code, marihuana is a Schedule 1 controlled substance. House Bill 6038 (H-2) 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, which is also known as HU-210.
- 2-[1R,3S]-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, which is also known as CP47,497, and its side chain homologues.
- 1-Pentyl-3-(1-naphthoyl)indole, which is also known as JWH-018.
- 1-Butyl-3-(1-naphthoyl)indole, which is also known as JWH-073.

(A Schedule 1 controlled substance is a substance that has high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.)

Under the Code, a person may not knowingly or intentionally possess 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 violation involving marihuana is a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$2,000, or both. Both bills would extend that penalty to the possession of the substances described above.

In addition, the Code prohibits a person from using 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 violation involving marihuana is a misdemeanor punishable by up to 90 days' imprisonment, a maximum fine of \$100, or both. Both bills would extend that penalty to the use of the substances described above.

Ecstasy & BZP

Under the Code, 3,4-methylenedioxymethamphetamine (which is also known as Ecstasy and MDMA) is a Schedule 1 controlled substance. House Bill 6038 (H-2) would include in Schedule 1 N-Benzylpiperazine, which is also known as BZP, 1-Benzylpiperazine, and 1-(phenylmethyl)-piperazine).

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 of it is a misdemeanor, punishable by up to one year's imprisonment and/or a maximum fine of \$2,000. Under both bills, those penalties would apply to the possession or use of BZP.

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

BACKGROUND

The website of the U.S. Department of Justice Drug Enforcement Administration (DEA) Office of Diversion Control contains the following information.

HU-210 is structurally and pharmacologically similar to THC, the main active ingredient of marijuana. It is used in basic scientific research to identify cannabinoid receptors in the brain and study the mechanisms of action of THC. It is a Schedule 1 controlled substance in the United States.

CP47,497, JWH-018, and JWH-073 are synthetic cannabinoid agonists without the classical cannabinoid chemical structure. The compounds are used in scientific research as a tool to study the cannabinoid system. Although they are likely to have effects similar to THC in humans, CP47,497 and its homologues, JWH-018, and JWH-073, are not controlled substances in the U.S.

N-Benzylpiperazine (BZP) was developed as a potential antiparasitic agent, and subsequently was shown to possess antidepressant activity and amphetamine-like effects. BZP is used as an intermediate in chemical synthesis and has no known medical use in the United States. Since 1996, BZP has been used by drug abusers, and the DEA has included it in Schedule 1 on the Federal schedule of controlled substances.

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.

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.