

# SENATE BILL NO. 430

June 17, 2025, Introduced by Senators CHANG and ANTHONY and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 7401 (MCL 333.7401), as amended by 2016 PA 548.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

1 not dispense, prescribe, or administer a controlled substance for  
2 other than legitimate and professionally recognized therapeutic or  
3 scientific purposes or outside the scope of practice of the  
4 practitioner, licensee, or applicant.

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

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

8 (i) ~~Which~~ **That** is in an amount of 1,000 grams or more of any  
9 mixture containing that substance is guilty of a felony punishable  
10 by imprisonment ~~for life or any term of years~~ or a fine, ~~of not~~  
11 ~~more than \$1,000,000.00,~~ or both, **as provided under subsection (5).**

12 (ii) ~~Which~~ **That** is in an amount of 450 grams or more, but less  
13 than 1,000 grams, of any mixture containing that substance is  
14 guilty of a felony and punishable by imprisonment ~~for not more than~~  
15 ~~30 years~~ or a fine, ~~of not more than \$500,000.00,~~ or both, **as**  
16 **provided under subsection (6).**

17 (iii) ~~Which~~ **That** is in an amount of 50 grams or more, but less  
18 than 450 grams, of any mixture containing that substance is guilty  
19 of a felony punishable by imprisonment ~~for not more than 20 years~~  
20 or a fine, ~~of not more than \$250,000.00,~~ or both, **as provided under**  
21 **subsection (7).**

22 (iv) ~~Which~~ **That** is in an amount less than 50 grams, of any  
23 mixture containing that substance is guilty of a felony punishable  
24 by imprisonment ~~for not more than 20 years~~ or a fine, ~~of not more~~  
25 ~~than \$25,000.00,~~ or both, **as provided under subsection (8).**

26 (b) Either of the following:

27 (i) A substance described in section 7212(1)(h) or 7214(c)(ii)  
28 is guilty of a felony punishable by imprisonment for not more than  
29 20 years or a fine of not more than \$25,000.00, or both.

1           (ii) Any other controlled substance classified in schedule 1,  
2 2, or 3, except marihuana, ~~or~~ a substance listed in section  
3 7212(1)(d), -is guilty of a felony punishable by imprisonment for  
4 not more than 7 years or a fine of not more than \$10,000.00, or  
5 both.

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

9           (d) Marihuana, a mixture containing marihuana, or a substance  
10 listed in section 7212(1)(d) is guilty of a felony punishable as  
11 follows:

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

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

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

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

25           (f) A prescription form or a counterfeit prescription form is  
26 guilty of a felony punishable by imprisonment for not more than 7  
27 years or a fine of not more than \$5,000.00, or both.

28           (3) A term of imprisonment imposed under subsection (2)(a) may  
29 be imposed to run consecutively with any term of imprisonment

1 imposed for the commission of another felony.

2 (4) If an individual was sentenced to lifetime probation under  
3 subsection (2) (a) (iv) as it existed before March 1, 2003 and the  
4 individual has served 5 or more years of that probationary period,  
5 the probation officer for that individual may recommend to the  
6 court that the court discharge the individual from probation. If an  
7 individual's probation officer does not recommend discharge as  
8 provided in this subsection, with notice to the prosecutor, the  
9 individual may petition the court seeking resentencing under the  
10 court rules. The court may discharge an individual from probation  
11 as provided in this subsection. An individual may file more than 1  
12 motion seeking resentencing under this subsection.

13 (5) A person who violates this section as described in  
14 subsection (2) (a) (i) is subject to the following penalties:

15 (a) If the substance is heroin, fentanyl, carfentanil, or any  
16 derivative of heroin, fentanyl, or carfentanil, by imprisonment for  
17 life or any term of years or a fine of not more than \$1,000,000.00.

18 (b) If the substance is a substance that is not listed in  
19 subdivision (a), by imprisonment for not more than 30 years or a  
20 fine of not more than \$1,000,000.00, or both.

21 (6) A person who violates this section as described in  
22 subsection (2) (a) (ii) is subject to the following penalties:

23 (a) If the substance is heroin, fentanyl, carfentanil, or any  
24 derivative of heroin, fentanyl, or carfentanil, by imprisonment for  
25 not more than 30 years or a fine of not more than \$500,000.00.

26 (b) If the substance is a substance that is not listed in  
27 subdivision (a), by imprisonment for not more than 20 years or a  
28 fine of not more than \$500,000.00, or both.

29 (7) A person who violates this section as described in

1 subsection (2) (a) (iii) is subject to the following penalties:

2 (a) If the substance is heroin, fentanyl, carfentanil, or any  
3 derivative of heroin, fentanyl, or carfentanil, by imprisonment for  
4 not more than 20 years or a fine of not more than \$250,000.00, or  
5 both.

6 (b) If the substance is a substance that is not listed in  
7 subdivision (a), by imprisonment for not more than 20 years or a  
8 fine of not more than \$250,000.00, or both.

9 (8) A person who violates this section as described in  
10 subsection (2) (a) (iv) is subject to the following penalties:

11 (a) If the substance is heroin, fentanyl, carfentanil, or any  
12 derivative of heroin, fentanyl, or carfentanil, by imprisonment for  
13 not more than 20 years or a fine of not more than \$25,000.00, or  
14 both.

15 (b) If the substance is a substance that is not listed under  
16 subdivision (a), by imprisonment for not more than 10 years or a  
17 fine of not more than \$25,000.00, or both.

18 (9) ~~(5)~~—As used in this section, "plant" means a marihuana  
19 plant that has produced cotyledons or a cutting of a marihuana  
20 plant that has produced cotyledons.

21 Enacting section 1. This amendatory act takes effect 90 days  
22 after the date it is enacted into law.