



Marijuana in Michigan: What You Need to Know

Information for expectant mothers, teens, parents, guardians, and other trusted adults.





Marijuana Education

The first challenge many face in learning about marijuana is distinguishing the difference between the various names. Unfortunately, this can be difficult to parse out, even at a scientific level. Even botanists haven't come to a conclusion about the exact taxonomy of the plant. Broadly speaking, cannabis is the latin name of a genus of plants. Marijuana is a legal term used to refer to the plants that contain more than 0.3% **Tetrahydrocannabinol (THC)**, the primary psychoactive compound found in the plant, or what gives users the feeling of being high. Hemp, however, is defined as having less than 0.3% THC and contains another cannabinoid called **Cannabidiol (CBD)**.

Marijuana varieties are selectively bred in controlled environments and produce female plants that yield budding flowers. These flowers are where the majority of **cannabinoids** are produced. These cannabinoids, or the compounds that can get the user high, are produced within the **trichomes** of the plant, found in high concentrations on the flower. These flowers are grown until maturity, removed from the plant, and then dried and cured. This process results in the flower that is sold in the medical and recreational markets.

Marijuana Kief

Powdery resin, consisting completely or almost entirely of trichomes that have been mechanically removed from the flower itself.

Marijuana Concentrates

Marijuana concentrates are simply the concentrated resins from the marijuana plant. Marijuana oils, concentrates, and extracts are all umbrella terms under which there are a host of different product types. Concentrates may be smoked, vaporized, or ingested. The most common types of marijuana concentrates are tinctures, capsules, vaporizer cartridges, hash, shatters, and waxes, though there are many additional names and specifications.

Marijuana Edibles or Marijuana-Infused Products

Marijuana-infused products are any products which contain marijuana that is intended for human consumption in a manner other than inhalation. These products include marijuana concentrates as a component of their preparation and are marketed as a myriad of edible products, beverages, and botanical tinctures, as well as various topical products. These products take longer to take effect, but often result in a more intense high that is likely to last longer than when inhaled.

Marijuana Education (continued)

Marijuana 101

For thousands of years people have been using Cannabis Sativa for spiritual, medicinal, and recreational purposes. There are a variety of reasons that an adult may choose to use marijuana such as enhancing the experience of every day activities, to treat ailments, or to elicit certain feelings.

THC is the main compound in the cannabis plant and is responsible for the temporary alteration of one's psychological state. For some individuals this can result in relaxation, euphoria, feelings of creativity and other "feel good" psychological responses. However, it is important to remember that some may experience vastly different psychological responses to marijuana, which may happen consistently or infrequently. Some individuals may experience paranoia, anxiety, or other less desirable feelings with marijuana use.

Many things contribute to how marijuana makes a person feel and can include:

- Individual body chemistry
- Amount consumed
- The method of consumption
- Set & setting – for instance consuming marijuana after you have had a bad day in a place that makes you feel uncomfortable may not result in the most enjoyable experience.

Cannabinoids and terpenes are the main compounds in the cannabis plant that provide medicinal benefits or result in a "high" for the user. The two most common cannabinoids are THC and CBD. THC provides the characteristic high often associated with marijuana use, where CBD is non-intoxicating.

Cannabinoids and terpenes work together through a process called the entourage effect, interacting with and activating the body's endocannabinoid system, which is a cellular system that helps the body maintain balance.

Terpenes are the scent compounds found in marijuana and lend themselves to giving the plant its complex aromas. Hundreds of terpenes are found in trace amounts, but the following are the most commonly reported:

Myrcene • Caryphyllene • Limonene • Pinene • Linalool • Terpinolene • Humulene • Ocimene

What is a Strain?

Strains are different variations of the cannabis plant, similar to how you might notice many different variations of tomatoes in the garden or at the grocery store.

How is Marijuana Consumed?

As marijuana has become more mainstream, new ways of consumption have become popularized, including:

- **Vaping** - Vaping involves inhaling heated extracts through a vaporizing device. Onset is nearly instantaneous.
- **Dabbing** - Dabs are concentrated doses of marijuana extract. These concentrated doses are typically heated on a hot surface until vaporized and subsequently inhaled. Onset is nearly instantaneous.
- **Edibles** - Concentrated marijuana is decarboxylated (sometimes called "activated") through the process of heating and is used to create a variety of ingestible products. Onset depends on individual metabolism and a variety of factors, onset can be from 15 minutes to a few hours.
- **Topicals** - Concentrated marijuana is decarboxylated (sometimes called "activated") through the process of heating and is used to create a variety of topically administered products. These products, when used as directed do not result in psychoactive effects.



Information for Parents

As marijuana has become legalized, the pressures for adolescents to use it can be difficult to navigate. Legalization has brought marijuana out from the shadows and into storefronts on Main Street. It is important to know the facts about marijuana so that parents may have open and informed conversations with their kids.

Talking about marijuana or other drugs may not be easy or fun, but it is important to remember that, as a parent, you are not alone in these struggles. Many parents wonder when, where, and how to start these conversations.

As many of us remember, kids aren't always the best at opening conversations on difficult topics. It may be helpful to inform yourself and streamline that information for your kids. This document can serve as a resource for education – for both parents and adolescents alike.

Talking about marijuana or other drugs may not be easy or fun, but it is important to remember that, as a parent, you are not alone in these struggles. Many parents wonder when, where, and how to start these conversations. But, often, it makes sense to have your first conversation before your child is likely to try marijuana. This way, you can establish a connection and expectations. The goal of open communication is to encourage thoughtful conversation between yourself and your child. Conversing with any partner, including adolescents, is more effective if you remember some basic ground rules for effective communication:

Be a good listener

Acknowledge their point of view and be open to sharing your own

Use open-ended questions to encourage reflection



Information for Parents (continued)

General Information

Marijuana use has been increasing in Michigan in young adults ages 18-25 [1].

If parents choose to use marijuana, they should be mindful of the safety of their children just like they would with any other intoxicating substance.

If your child accidentally ingests marijuana, please call the poison control hotline (**1-800-222-1222**) and watch for the following signs:

- Has problems waking or sitting up
- Difficulty breathing
- Sleepiness or drowsiness

If the reaction seems severe, call 911 or visit your nearest emergency department.

It is best practice to lock all marijuana products in a lock box or safe to prevent accidental ingestion.



Adolescent Perception of Marijuana Use

In 2013-2014 (the most recent year with data available), 95.6% of youth indicated that their parents somewhat or strongly disapproved of them trying marijuana once or twice, and 95.5% also indicated their parents somewhat or strongly disapproved of them using marijuana once a month or more. Percentages of perceived parental disapproval remained stable from 2002-2003 to 2013-2014 [2].



In 2013-2014, among adolescents who reported that they have used marijuana during the past month, the percentages of perceived parental disapproval were lower, with 80.9% indicating their parents somewhat or strongly disapproved of them trying marijuana once or twice, and 79.7% indicating their parents somewhat or strongly disapproved of them using marijuana once a month or more [2].

Over 75% of adolescents (in 2013-2014) disapprove of their peers using marijuana. Among only those youth who have used marijuana in the past month, approximately 30% disapprove of their peers trying marijuana [2].

Among adolescents reporting they had used marijuana in the past month, percentages of disapproval for peer use were lower, with 31.4% somewhat or strongly disapproving of peers trying marijuana once or twice and 23.0% somewhat or strongly disapproving of peers using marijuana once a month or more [2].

Michigan residents' perceptions regarding the risks of marijuana use have decreased during the past 15 years, with the perception of risk lowest among young adults (ages 18-25), the population with highest percentages of use in the general population of Michigan [1].



Information for Teens

Marijuana use may impact the developing brain. Adolescent brains are in a constant state of development that is not fully complete at least until the early to mid-20's. The brain is still under construction because the frontal cortex is one of the last areas to completely develop. This region is critical to planning, judgement, decision-making, learning, and personality which means your brain may be particularly vulnerable to the negative effects of any intoxicating substances.

The endocannabinoid system is also not fully developed in adolescents. This system comprises the physiological mechanisms that respond to THC and is important for cognition, neurodevelopment, stress response, and emotional control. Marijuana use may impact the developing brain. Adolescent brains are in a constant state of development that is not fully complete until age 25, particularly the areas that handle decision-making and learning [3]. That means your brain may be particularly vulnerable to the negative effects of any intoxicating substances.

Learning & Memory

Regular use of marijuana by adolescents may impact the ability to learn and retain information. Youth who use marijuana regularly have been shown to have lower math and reading scores [4]. While new research suggests that this may not be the case if marijuana use is restricted until after adulthood, it is vitally important to remember that choices we make as adolescents can have long-standing consequences in life.



Claim: Marijuana does not affect learning and memory.

Research Suggests: The short term effects of marijuana may have a negative effect on learning or remembering. However, most evidence suggests that any long-lasting effects on learning and memory are minimal in adults [5].

Information for Teens (continued)

Continuing Education

Though marijuana use may be legal for adults age 21 or older, it is still important to remember that marijuana-related charges may cause you to become ineligible for or lose your financial aid for college.

Physical Performance

Marijuana smoke contains many of the same chemicals as tobacco smoke and is not healthy for your lungs. Smoke inhalation – especially on a regular basis – can make it harder for a young person to participate in physical activities. When someone uses marijuana, THC attaches to cannabinoid receptors in the brain. The endocannabinoid [6] system is designed to react to incoming information, but that reaction can be slowed when THC has overwhelmed receptors in the system. Because of this, marijuana use can also affect coordination and make it difficult to learn new skills [4].

Extracurriculars

Often, schools and sports teams have rules prohibiting the use of drugs, alcohol, and marijuana. Breaking school policies regarding substance use can get you kicked off sports teams and may even result in suspension or expulsion from school. When you are a part of a team, it is important to remember that, while you are an important part of the team, you are not the only person on the team; your teammates rely on you to devote your attention to the team and support them to the best of your ability.

Claim: Marijuana is a gateway drug that leads to other illicit drug use.

Research Suggests: Marijuana is not likely the primary factor in a persons choice to use illicit drugs [7].



Work

Marijuana use is prohibited both on- and off-site at many Michigan employers. When you try to get a job, you may be drug tested upon hire and even after you start. Remember that failing a drug test may limit future opportunities in the workplace. Much like being a part of a sports team, being a part of a workforce is like being on a team: the more active, engaged and involved you can be at your place of employment, the more likely it is that you will get noticed by your bosses and even promoted!

Legal Woes

If you are underage and get caught in possession of marijuana, you may be facing a Minor in Possession (MIP) charge—which comes with a fine, community service and possibly even court-ordered drug treatment.

Quitting School

There appears to be a statistical association seen between teen marijuana use and quitting school [8]. However, this association may be the result of correlation and not causation and could be due to things like personality traits, genetic predispositions, family issues, or zero-tolerance school policies related to marijuana use.



Medical Marijuana

Marijuana has been used as medicine in different parts of the world throughout time. As it stands today, there is scientific evidence suggesting the benefits of marijuana for

a variety of medical diagnoses as well as pain management.

It is important to be aware that marijuana can impact mental health in certain circumstances, however this is largely dependent upon the chemistry and unique situation of each individual consumer.

More research is necessary to understand whether or not marijuana has a place among treatment options for mental health problems such as anxiety and ADHD. For example, currently available research suggests that marijuana has the potential to both increase and reduce anxiety. Some of these variations may be due to differing cannabinoids interacting differently in the body. Interestingly enough, researchers believe that the ratio of THC to CBD is a crucial factor in how marijuana affects a person's mind and body. Some studies report that medical marijuana has possible benefit for several conditions. State laws vary in which conditions qualify people for treatment with medical marijuana.

In Michigan, the most commonly cited condition is severe and chronic pain [1].

Other less commonly cited reasons in 2018 for acquiring medical marijuana were cancer-related pain (4.9%) and post-traumatic stress disorder (4.1%) [1].



Medical Marijuana (continued)

Michigan Qualifying Conditions

- Cancer
- Glaucoma
- HIV Positive
- AIDS
- Hepatitis C
- Amyotrophic Lateral Sclerosis
- Crohn's Disease
- Agitation of Alzheimer's Disease
- Nail Patella
- Post - Traumatic Stress Disorder
- Obsessive Compulsive Disorder
- Arthritis
- Rheumatoid Arthritis
- Spinal Cord Injury
- Colitis
- Inflammatory Bowel Disease
- Ulcerative Colitis
- Parkinson's Disease
- Tourette's Disease
- Autism
- Chronic Pain
- Cerebral Palsy
- A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following:
 - *Cachexia or Wasting Syndrome*
 - *Severe and Chronic Pain*
 - *Severe Nausea*
 - *Seizures (Including but not limited to those characteristic of epilepsy)*
 - *Severe and Persistent Muscle Spasms (Including but not limited to those characteristic of multiple sclerosis)*

How to Apply for a Medical Marijuana Card

- Adult applicants must be a Michigan resident 18 years of age or older
- Visit a Medical Doctor (M.D.) or Doctor of Osteopathic Medicine (D.O.) licensed in Michigan
- Be diagnosed with one of the qualifying debilitating conditions listed above
- Submit \$40 application fee and all required documentation

Apply online at www.michigan.gov/mmp or submit a paper application to:

State of Michigan - MMMP
PO Box 40083
Lansing MI, 48909

If applying online you must be applying as a Patient only

If applying with a Caregiver, you must submit a paper application. Minor applicants must submit a paper application and their custodial parent or legal guardian with responsibility for health care decisions must serve as their caregiver.





Expectant Mothers

There are number of legal and medical policies surrounding marijuana use by expectant mothers and prenatal marijuana exposure due to the uncertainty and lack of research surrounding the impacts of use on prenatal development. A systemic review of available

research revealed that many of the studies on this topic found no statistical differences between children who were reportedly exposed to marijuana during pregnancy and those who were not. The results of these studies may be due to differences in home environment, level of poverty, and natural genetic variation [9].

The American College of Obstetricians and Gynecologists say that there are no approved indications or recommendations regarding prenatal marijuana use, particularly because the impact of prenatal marijuana is not yet fully understood [10] .

There is some evidence that indicates an association between prenatal marijuana use and lower offspring birth weight.

The vast majority (86.7%) of Michigan expectant [1] mothers did not use marijuana before, during, or after pregnancy.

Among mothers who quit using marijuana during pregnancy, the majority (79.5%) did not return to marijuana use in the months following birth [1].

About one in five mothers (20.5%) with pre-pregnancy use resumed marijuana use after pregnancy [1].





Marijuana & The Law

It is important to remember that marijuana, while legal in certain states, is illegal at the federal level and is still classified as a Schedule 1 controlled substance.

Adult-Use Marijuana

In 2018, Michigan became the first midwestern state to allow both medical and adult-use marijuana use. The Michigan Regulation and Taxation of Marijuana Act was passed by Michigan voters in November 2018 and allows anyone age 21 or older to possess up to 2.5 ounces of marijuana and to grow as many as 12 plants at home. It also sets up a system for the state-licensed cultivation and distribution of marijuana, with sales subject to a 10% excise tax, in addition to Michigan's 6% sales tax.

- This law went into effect on December 6, 2018 and the first marijuana retailers opened to the public on December 1, 2019.
- Approximately 3/4 of Michigan municipalities have banned adult-use marijuana retailers.



Under Michigan Law, the following is permitted:

- Anyone age 21 or older may possess and consume marijuana.
- Where marijuana sales are legal, an individual can purchase up to 2.5 ounces, however an individual cannot have more than 15 grams of marijuana concentrate at one time.
- At home, an individual may keep up to 10 ounces of marijuana flower in a secured location.



Under Michigan Law, the following is not permitted:

- Public consumption is not permitted.
- Driving under the influence of marijuana is not permitted.
- Individuals cannot cross state lines with marijuana.

Works Cited

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- [3] - https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx
- [4] - Schweinsburg AD, Brown SA, Tapert SF. The influence of marijuana use on neurocognitive functioning in adolescents. *Curr Drug Abuse Rev.* 2008;1(1):99-111.
- [5] - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3037578/>
- [6] - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3997295/>
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MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT)

Initiated Law 1 of 2018

333.27954 Scope of act; unauthorized activities with marihuana and marihuana accessories; limitations; application of privileges, rights, immunities, and defenses under other marihuana laws; employer rights; property owner rights.

Sec. 4. 1. This act does not authorize:

(a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;

(b) transfer of marihuana or marihuana accessories to a person under the age of 21;

(c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;

(d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;

(e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;

(f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;

(g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;

(h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or

(i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.

3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.

4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.

5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

History: 2018, Initiated Law 1, Eff. Dec. 6, 2018.

Compiler's note: This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

For the transfer of powers and duties of the department of licensing and regulatory affairs, including its bureau of marijuana regulation, to the marijuana regulatory agency, and abolishment of the bureau of marijuana regulation, see E.R.O. No. 2019-2, compiled at MCL 333.27001.

For the renaming of the marijuana regulatory agency to the cannabis regulatory agency, see E.R.O. No. 2022-1, compiled at MCL 333.27002.

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7212 Schedule 1; controlled substances included.

Sec. 7212. (1) The following controlled substances are included in schedule 1:

(a) Any of the following opiates, including their isomers, esters, the ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Acetylmethadol	Difenoxin	Noracymethadol
Allylprodine	Dimenoxadol	Norlevorphanol
Alpha-acetylmethadol	Dimepheptanol	Normethadone
Alphameprodine	Dimethylthiambutene	Norpipanone
Alphamethadol	Dioxaphetyl butyrate	Phenadoxone
Benzethidine	Dipipanone	Phenampromide
Betacetylmethadol	Ethylmethylthiambutene	Phenomorphan
Betameprodine	Etonitazene	Phenoperidine
Betamethadol	Etoxeridine	Piritramide
Betaprodine	Furethidine	Proheptazine
Clonitazene	Hydroxypethidine	Properidine
Dextromoramide	Ketobemidone	Propiram
Diamprodine	Levomoramide	Racemoramide
Diethylthiambutene	Levophenacylmorphan	Trimeperidine
	Morpheridine	

(b) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine	Drotebanol	Morphine-N-Oxide
Acetyldihydrocodeine	Etorphine	Myrophine
Benzylmorphine	Heroin	Nicocodeine
Codeine methylbromide	Hydromorphenol	Nicomorphine
Codeine-N-Oxide	Methyldesorphine	Normorphine
Cyprenorphine	Methyldihydromorphine	Pholcodine
Desomorphine	Morphine methylbromide	Thebacon
Dihydromorphine	Morphine methylsulfonate	

(c) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

2-Methylamino-1-phenylpropan-1-one

Some trade and other names:

Methcathinone

Cat

Ephedrone

3, 4-methylenedioxy amphetamine

5-methoxy-3, 4-methylenedioxy
amphetamine

3, 4, 5-trimethoxy amphetamine

Buferotrine

Some trade and other names:

3-(B-dimethylaminoethyl)-5-hydroxyindole

3-(2-dimethylaminoethyl)-5-indolol

N,N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine

Mappine

2, 5-Dimethoxyamphetamine

Some trade or other names:

2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA

4-Bromo-2, 5-Dimethoxyamphetamine

Some trade or other names:

4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo

2,5-DMA

Diethyltryptamine

Some trade and other names:

N,N-Diethyltryptamine; DET

Dimethyltryptamine

Some trade or other names:

DMT

4-methyl-2, 5-dimethoxyamphetamine

Some trade and other names:

4-methyl-2, 5-dimethoxy-a-methyl-phenethylamine

DOM, STP

4-methoxyamphetamine

Some trade or other names:

4-methoxy-a-methylphenethylamine; paramethoxy amphetamine;

PMA

Ibogaine

Some trade and other names:

7-Ethyl-6,6a,7,8,9,10,12,13

Octahydro-2-methoxy-6,9-methano-5H-

pyrido (1, 2:1, 2 azepino 4, 5-b) indole

tabernanthe iboga

Lysergic acid diethylamide

Except as provided in subsection (2), Marihuana, including pharmaceutical-grade cannabis

Mecloqualone

Mescaline

Peyote

N-ethyl-3 piperidyl benzilate

N-methyl-3 piperidyl benzilate

Psilocybin

Psilocyn

Thiophene analog of phencyclidine

Some trade or other names:

1-(1-(2-thienyl)cyclohexyl) piperidine

2-thienyl analog of phencyclidine; TPCP

(d) Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of cannabis and synthetic substances, derivatives, and their isomers with similar chemical structure or pharmacological activity, or both, such as the following, are included in schedule 1:

(i) \wedge 1 cis or trans tetrahydrocannabinol, and their optical isomers.

(ii) \wedge 6 cis or trans tetrahydrocannabinol, and their optical isomers.

(iii) \wedge 3,4, cis or trans tetrahydrocannabinol, and their optical isomers.

(e) Synthetic cannabinoids. As used in this subdivision, "synthetic cannabinoids" includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules II through V, is not approved by the federal food and drug administration as a drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically excepted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:

(i) Any compound containing a 3-(1-naphthoyl)indole structure, also known as naphthoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-007, JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, AM-1220, AM-2201, and WIN-55, 212-2.

(ii) Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure, also known as napthylmethylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the

naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-175, and JWH-184.

(iii) Any compound containing a 3-(1-naphthoyl)pyrrole structure, also known as naphthoypyrroles with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the pyrrole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-370, JWH-030.

(iv) Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-176.

(v) Any compound containing a 3-phenylacetylindole structure, also known as phenacylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent. Examples of this structural class include but are not limited to: RCS-8 (SR-18), JWH-250, JWH-203, JWH-251, and JWH-302.

(vi) Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure, also known as cyclohexylphenols, with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted on the cyclohexyl ring to any extent. Examples of this structural class include but are not limited to: CP-47,497 (and homologues(analogs)), cannabicyclohexanol, and CP-55,940.

(vii) Any compound containing a 3-(benzoyl)indole structure, also known as benzoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent. Examples of this structural class include but are not limited to: AM-694, pravadoline (WIN-48,098), RCS-4, AM-630, AM-679, AM-1241, and AM-2233.

(viii) Any compound containing a 11-hydroxy- Δ 8-tetrahydrocannabinol structure, also known as dibenzopyrans, with further substitution on the 3-pentyl group by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group. Examples of this structural class include but are not limited to: HU-210, JWH-051, JWH-133.

(ix) Any compound containing a 3-(L-adamantoyl)indole structure, also known as adamantanoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the adamantyl ring system to any extent. Examples of this structural class include but are not limited to: AM-1248.

(x) Any other synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids that is not listed in schedules II through V and is not approved by the federal food and drug administration as a drug.

(f) Compounds of structures referred to in subdivision (d), regardless of numerical designation of atomic positions, are included.

(g) Gamma-hydroxybutyrate and any isomer, salt, or salt of isomer of gamma-hydroxybutyrate.

Some trade and other names:

Sodium oxybate

4-hydroxybutanoic acid monosodium salt

(h) 3,4-methylenedioxymethamphetamine.

Some trade and other names:

Ecstasy

MDMA

(i) N-Benzylpiperazine

Some trade and other names:

BZP

Benzylpiperazine

1-(phenylmethyl)-piperazine

(j) 3-Chlorophenylpiperazine

Some trade and other names:

MCPP

(k) 1-(3-Trifluoromethylphenyl)piperazine

Some trade and other names:

TFMPP

(l) 4-Bromo-2,5-dimethoxybenzylpiperazine

Some trade and other names:

2C-B-BZP

(m) All of the following:

(i) (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

Some trade and other names:

HU-210

(ii) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol and its side chain homologues.

Some trade and other names:

CP47,497

(iii) 1-pentyl-3-(1-naphthoyl)indole.

Some trade and other names:

JWH-018

(iv) 1-butyl-3-(1-naphthoyl)indole.

Some trade and other names:

JWH-073

(v) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone.

Some trade and other names:

JWH-015

(vi) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone.

Some trade and other names:

JWH-200

(vii) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone.

Some trade and other names:

JWH-250

(n) Mephedrone (4-methylmethcathinone).

Some trade and other names:

4-MMC, M-Cat, meow meow, miaow miaow, bounce, bubbles, bubble love, mad cow, plant food, drone, and neo doves

(o) 4-Methyl-alpha-pyrrolidinobutyrophenone.

Some trade and other names:

MPBP

(p) Methylenedioxypyrovalerone

Some trade and other names:

MDPV, Bath salts, charge plus, cloud nine, hurricane Charlie, ivory wave, ocean, red dove, scarface, sonic, white dove, white lightning

(q) 5,6-Methylenedioxy-2-aminoindane

Some trade and other names:

MDAI

Woof-woof

(r) Naphyrone (Naphthylpyrovalerone)

Some trade and other names:

NRG-1

Rave

(s) Pyrovalerone (1-(4-Methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone)

(t) Catha edulis; except as provided in subdivision (u) and section 7218, all parts of the plant presently classified botanically as catha edulis, whether growing or not; the leaves and seeds of that plant; any extract from any part of that plant; and every compound, salt, derivative, mixture, or preparation of that plant or its leaves, seeds, or extracts.

Some trade and other names:

Khat

Qat

(u) Cathinone.

(v) Salvia divinorum; except as provided in subdivision (w), all parts of the plant presently classified botanically as salvia divinorum, whether growing or not; the leaves and seeds of that plant; any extract from any part of that plant; and every compound, salt, derivative, mixture, or preparation of that plant or its leaves, seeds, or extracts.

(w) Salvinorin A.

(x) Synthetic cathinones. As used in this subdivision, "synthetic cathinones" includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules II through V, is not approved by the federal food and drug administration as a drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically excepted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:

(i) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at the nitrogen atom by an alkyl group, cycloalkyl group, or incorporation into a heterocyclic structure. Examples of this structural class include, but are not limited to, dimethylcathinone, ethcathinone, and alpha-pyrrolidinopropiophenone.

(ii) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at the 3-position carbon with an alkyl, haloalkyl, or alkoxy group. Examples of this structural class include, but are not limited to, naphyrone.

(iii) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at any position of the ring system with an alkyl, haloalkyl, halogen, alkylenedioxy, or alkoxy group, whether or not further substituted at any position on the ring system to any extent. Examples of this structural class include, but are not limited to, mephedrone, methylone, and 3-fluoromethylone.

(2) Marihuana, including pharmaceutical-grade cannabis, is a schedule 2 controlled substance if it is manufactured, obtained, stored, dispensed, possessed, grown, or disposed of in compliance with this act and as authorized by federal authority.

(3) For purposes of subsection (1), "isomer" includes the optical, position, and geometric isomers.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1979, Act 125, Imd. Eff. Oct. 22, 1979;—Am. 1982, Act 352, Imd. Eff. Dec. 21, 1982;—Am. 1993, Act 25, Eff. May 1, 1993;—Am. 1998, Act 248, Imd. Eff. July 9, 1998;—Am. 2002, Act 710, Eff. Apr. 1, 2003;—Am. 2010, Act 171, Eff. Oct. 1, 2010;—Am. 2011, Act 88, Eff. Aug. 1, 2011;—Am. 2012, Act 183, Eff. July 1, 2012;—Am. 2013, Act 268, Imd. Eff. Dec. 30, 2013.

Compiler's note: In subsection (1)(e)(ix), "3-(L-adamantoyl)indole structure" evidently should read "3-(1-adamantoyl)indole structure."

Popular name: Act 368

MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT)
Initiated Law 1 of 2018

333.27955 Lawful activities by person 21 years of age or older; terms, conditions, limitations, and restrictions; denial of custody or visitation prohibited.

Sec. 5. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act, the following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:

(a) except as permitted by subdivision (b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;

(b) within the person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once;

(c) assisting another person who is 21 years of age or older in any of the acts described in this section; and

(d) giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

2. Notwithstanding any other law or provision of this act, except as otherwise provided in section 4 of this act, the use, manufacture, possession, and purchase of marihuana accessories by a person 21 years of age or older and the distribution or sale of marihuana accessories to a person 21 years of age or older is authorized, is not unlawful, is not an offense, is not grounds for seizing or forfeiting property, is not grounds for arrest, prosecution, or penalty in any manner, and is not grounds to deny any other right or privilege.

3. A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

History: 2018, Initiated Law 1, Eff. Dec. 6, 2018.

Compiler's note: This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

For the transfer of powers and duties of the department of licensing and regulatory affairs, including its bureau of marijuana regulation, to the marijuana regulatory agency, and abolishment of the bureau of marijuana regulation, see E.R.O. No. 2019-2, compiled at MCL 333.27001.

For the renaming of the marijuana regulatory agency to the cannabis regulatory agency, see E.R.O. No. 2022-1, compiled at MCL 333.27002.

MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT)

Initiated Law 1 of 2018

333.27954 Scope of act; unauthorized activities with marihuana and marihuana accessories; limitations; application of privileges, rights, immunities, and defenses under other marihuana laws; employer rights; property owner rights.

Sec. 4. 1. This act does not authorize:

(a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;

(b) transfer of marihuana or marihuana accessories to a person under the age of 21;

(c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;

(d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;

(e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;

(f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;

(g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;

(h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or

(i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.

3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.

4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.

5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

History: 2018, Initiated Law 1, Eff. Dec. 6, 2018.

Compiler's note: This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

For the transfer of powers and duties of the department of licensing and regulatory affairs, including its bureau of marijuana regulation, to the marijuana regulatory agency, and abolishment of the bureau of marijuana regulation, see E.R.O. No. 2019-2, compiled at MCL 333.27001.

For the renaming of the marijuana regulatory agency to the cannabis regulatory agency, see E.R.O. No. 2022-1, compiled at MCL 333.27002.

MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT)
Initiated Law 1 of 2018

333.27965 Violations; penalties.

Sec. 15. A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.

2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:

(a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;

(b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;

(c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.

3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:

(a) for a first violation, is responsible for a civil infraction and may be punished as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.

(b) for a second violation, is responsible for a civil infraction and may be punished as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.

4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

History: 2018, Initiated Law 1, Eff. Dec. 6, 2018.

Compiler's note: This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against.

For the transfer of powers and duties of the department of licensing and regulatory affairs, including its bureau of marijuana regulation, to the marijuana regulatory agency, and abolishment of the bureau of marijuana regulation, see E.R.O. No. 2019-2, compiled at MCL 333.27001.

For the renaming of the marijuana regulatory agency to the cannabis regulatory agency, see E.R.O. No. 2022-1, compiled at MCL 333.27002.

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7410a Delivery or intent to deliver controlled substance in or within public or private park; term of imprisonment; definitions.

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

(a) Violates section 7401(2)(a)(iv) or (2)(b)(i) or section 7401b by delivering a controlled substance or gamma-butyrolactone to a minor who is in a public park or private park or within 1,000 feet of a public park or private park.

(b) Violates section 7401(2)(a)(iv) or (2)(b)(i) or section 7401b by possessing with intent to deliver a controlled substance or gamma-butyrolactone to a minor who is in a public park or private park or within 1,000 feet of a public park or private park.

(c) Violates section 7403(2)(a)(v), (b), (c), or (d) or section 7401b by possessing a controlled substance or gamma-butyrolactone in or within 1,000 feet of a public park or private park.

(d) Violates section 7401c within 1,000 feet of a public park or private park.

(2) The term of imprisonment authorized under subsection (1) is in addition to the term of imprisonment authorized for the violation of section 7401(2)(a)(iv) or (2)(b)(i), section 7401b, section 7401c, or section 7403(2)(a)(v), (b), (c), or (d).

(3) As used in this section:

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

(b) "Public park" means real property owned or maintained by this state or a political subdivision of this state that is designated by this state or by that political subdivision as a public park.

History: Add. 1998, Act 261, Eff. Oct. 1, 1998;—Am. 2000, Act 302, Eff. Jan. 1, 2001;—Am. 2000, Act 314, Eff. Jan. 1, 2001;—Am. 2006, Act 217, Imd. Eff. June 26, 2006.

Popular name: Act 368

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7411 Possession or use of controlled substance or imitation controlled substance; probation; terms and conditions; violation; discharge and dismissal; deferral of proceedings; nonpublic record of arrest, court proceedings, and disposition; nonpublic record open to certain individuals and entities; purposes; course of instruction or rehabilitation program; conviction of second violation; screening and assessment; costs.

Sec. 7411. (1) When an individual who has not previously been convicted of an offense under this article or under any statute of the United States or of any state relating to narcotic drugs, coca leaves, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 7403(2)(a)(v), 7403(2)(b), (c), or (d), or of use of a controlled substance under section 7404, or possession or use of an imitation controlled substance under section 7341 for a second time, the court, without entering a judgment of guilt with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that shall include, but are not limited to, payment of a probation supervision fee as prescribed in section 3c of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3c. The terms and conditions of probation may include participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1084. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and, except as otherwise provided by law, is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section 7413. There may be only 1 discharge and dismissal under this section as to an individual.

(2) All court proceedings under this section shall be open to the public. Except as provided in subsection (3), if the record of proceedings as to the defendant is deferred under this section, the record of proceedings during the period of deferral shall be closed to public inspection.

(3) Unless the court enters a judgment of guilt under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section. However, the nonpublic record shall be open to the following individuals and entities for the purposes noted:

(a) The courts of this state, law enforcement personnel, the department of corrections, and prosecuting attorneys for use only in the performance of their duties or to determine whether an employee of the court, law enforcement agency, department of corrections, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, law enforcement agency, department of corrections, or prosecutor's office.

(b) The courts of this state, law enforcement personnel, and prosecuting attorneys for the purpose of showing either of the following:

(i) That a defendant has already once availed himself or herself of this section.

(ii) Determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under section 1076 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1076.

(c) The department of human services for enforcing child protection laws and vulnerable adult protection laws or ascertaining the preemployment criminal history of any individual who will be engaged in the enforcement of child protection laws or vulnerable adult protection laws.

(d) The Michigan commission on law enforcement standards created in section 3 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.603, as follows:

(i) The court placed the individual on probation after March 25, 2002.

(ii) If, at the time of the request, the individual is seeking licensure as a law enforcement officer under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, the Michigan commission on law enforcement standards may use the record to determine whether the individual meets the requirements for licensure as provided in that act.

(iii) If the individual is licensed or certified as a law enforcement officer under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, the Michigan commission on law enforcement standards may use the record to determine whether the license or certificate may be revoked as provided in that act.

(iv) If the individual is seeking admission to a law enforcement training academy, the Michigan commission on law enforcement standards may use the record to determine whether the individual meets the

requirements for admission to the academy as provided in the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(v) If the individual is seeking a waiver from the law enforcement officer minimum standards regarding training requirements, the Michigan commission on law enforcement standards may use the record to determine whether the individual meets the requirements for the waiver as provided in the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(4) For purposes of this section, a person subjected to a civil fine for a first violation of section 7341(4) shall not be considered to have previously been convicted of an offense under this article.

(5) Except as provided in subsection (6), if an individual is convicted of a violation of this article, other than a violation of section 7401(2)(a)(i) to (iv) or section 7403(2)(a)(i) to (iv), the court as part of the sentence, during the period of confinement or the period of probation, or both, may require the individual to attend a course of instruction or rehabilitation program approved by the department on the medical, psychological, and social effects of the misuse of drugs. The court may order the individual to pay a fee, as approved by the director, for the instruction or program. Failure to complete the instruction or program is a violation of the terms of probation.

(6) If an individual is convicted of a second violation of section 7341(4), before imposing sentence under subsection (1), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence imposed under subsection (1), the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services. Failure to complete a program is a violation of the terms of the probation.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1984, Act 347, Eff. Mar. 29, 1985;—Am. 1988, Act 144, Imd. Eff. June 6, 1988;—Am. 1993, Act 169, Eff. Sept. 30, 1993;—Am. 2002, Act 79, Imd. Eff. Mar. 25, 2002;—Am. 2004, Act 225, Eff. Jan. 1, 2005;—Am. 2012, Act 549, Eff. Apr. 1, 2013;—Am. 2013, Act 223, Eff. Jan. 1, 2014;—Am. 2016, Act 291, Eff. Jan. 2, 2017.

Popular name: Act 368