

HOUSE BILL NO. 5105

October 22, 2025, Introduced by Reps. Wendzel, Aragona, Borton, Fairbairn, Wozniak and Neyer
and referred to Committee on Regulatory Reform.

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
6 not dispense, prescribe, or administer a controlled substance for

1 other than legitimate and professionally recognized therapeutic or
2 scientific purposes or outside the scope of practice of the
3 practitioner, licensee, or applicant.

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

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

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

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

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

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

23 (b) Either of the following:

24 (i) A substance described in section 7212(1)(h) or 7214(c)(ii)
25 is guilty of a felony punishable by imprisonment for not more than
26 20 years or a fine of not more than \$25,000.00, or both.

27 (ii) Any other controlled substance classified in schedule 1,
28 2, or 3, except marihuana or a substance listed in section
29 7212(1)(d), is guilty of a felony punishable by imprisonment for

1 not more than 7 years or a fine of not more than \$10,000.00, or
2 both.

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

6 (d) Marihuana, a mixture containing marihuana, or a substance
7 listed in section 7212(1) (d) is guilty of a ~~felony punishable crime~~
8 as follows:

9 (i) If the amount is ~~45-250~~ kilograms or more ~~7-or 200-1,000~~
10 plants or more, **or if the amount is 25 kilograms or more of**
11 **marihuana concentrate, a felony punishable** by imprisonment for not
12 more than ~~15-10~~ years or a fine of not more than \$10,000,000.00, or
13 both.

14 (ii) If the amount is ~~5-125~~ kilograms or more but less than ~~45~~
15 ~~250~~ kilograms ~~7-or 20-500~~ plants or more but fewer than ~~200-1,000~~
16 plants, **or if the amount is 12.5 kilograms or more but less than 25**
17 **kilograms of marihuana concentrate, a felony punishable** by
18 imprisonment for not more than ~~7-4~~ years or a fine of not more than
19 ~~\$500,000.00, \$2,000,000.00,~~ or both.

20 (iii) If the amount is ~~less than 5-25~~ kilograms or **more but less**
21 **than 125 kilograms or 100 plants or more but** fewer than ~~20-500~~
22 plants, **or if the amount is 2.5 kilograms or more but less than**
23 **12.5 kilograms of marihuana concentrate, a felony punishable** by
24 imprisonment for not more than ~~4-2~~ years or a fine of not more than
25 ~~\$20,000.00, \$500,000.00,~~ or both.

26 (iv) If the amount is 10 kilograms or more but less than 25
27 kilograms or 50 plants or more but fewer than 100 plants, or if the
28 amount is 1 kilogram or more but less than 2.5 kilograms of
29 marihuana concentrate, a misdemeanor punishable by imprisonment for

1 not more than 1 year or a fine of not more than \$20,000.00, or
2 both.

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

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

9 (3) A term of imprisonment imposed under subsection (2)(a) may
10 be imposed to run consecutively with any term of imprisonment
11 imposed for the commission of another felony.

12 (4) If an individual was sentenced to lifetime probation under
13 subsection (2)(a)(iv) as it existed before March 1, 2003 and the
14 individual has served 5 or more years of that probationary period,
15 the probation officer for that individual may recommend to the
16 court that the court discharge the individual from probation. If an
17 individual's probation officer does not recommend discharge as
18 provided in this subsection, with notice to the prosecutor, the
19 individual may petition the court seeking resentencing under the
20 court rules. The court may discharge an individual from probation
21 as provided in this subsection. An individual may file more than 1
22 motion seeking resentencing under this subsection.

23 (5) As used in this section, "plant" means a marihuana plant
24 that has produced cotyledons or a cutting of a marihuana plant that
25 has produced cotyledons.

26 Enacting section 1. This amendatory act does not take effect
27 unless House Bill No. 5107 (request no. H04433'25) of the 103rd
28 Legislature is enacted into law.