[No. 42]

(HB 4019)

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 7216 (MCL 333.7216).

The People of the State of Michigan enact:

333.7216 Schedule 3; controlled substances included; rules. [M.S.A. 14.15(7216)]

Sec. 7216. (1) The following controlled substances are included in schedule 3:

(a) Unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, isomers, including optical, position, or geometric isomers, and salts of the isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

Benzphetamine
Chlorphentermine
Clortermine
Edrisal tabs
Genegesic caps
Hovizyme tabs
Mazindol
Mediatric tabs
Mediatric liquid
Phendimetrazine
Special formula 711 tabs
Thora Dex No. 1 tab
Thora Dex No. 2 tab

(b) Unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including their salts, isomers, including optical, position, or geometric isomers, and salts of the isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

Chlorhexadol
Glutethimide
Lysergic acid
Lysergic acid amide
Methyprylon
Phencyclidine
Sulfondiethylmethane
Sulfonethylmethane
Sulfonmethane

(c) Nalorphine.

(d) Any substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances that are specifically listed in other schedules.

(e) A compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or a salt of amobarbital, secobarbital, or pentobarbital, and 1 or more other active medicinal ingredients that are not listed in a schedule.

(f) A suppository dosage form containing amobarbital, secobarbital, pentobarbital, or a salt of amobarbital, secobarbital, or pentobarbital and approved by the food and drug administration for marketing only as a suppository.

(g) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(*i*) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(*ii*) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with 1 or more active nonnarcotic ingredients in recognized therapeutic amounts.

(*iii*) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(*iv*) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with 1 or more active nonnarcotic ingredients in recognized therapeutic amounts.

(*v*) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with 1 or more active nonnarcotic ingredients in recognized therapeutic amounts.

(*vi*) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with 1 or more ingredients in recognized therapeutic amounts.

(*vii*) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with 1 or more active nonnarcotic ingredients in recognized therapeutic amounts.

(*viii*) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams, with 1 or more active nonnarcotic ingredients in recognized therapeutic amounts.

(h) Any material, compound, mixture, or preparation containing any quantity of ketamine, a salt of ketamine, an isomer of ketamine, or a salt of an isomer of ketamine.

(2) The administrator may promulgate rules to except a compound, mixture, or preparation containing any stimulant or depressant substance listed in subsection (1)(a) and (b) from the application of all or any part of this article if the compound, mixture, or preparation contains 1 or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances having a stimulant or depressant effect on the central nervous system.

Effective date.

Enacting section 1. This amendatory act takes effect August 15, 1999.

This act is ordered to take immediate effect.
Approved June 9, 1999.
Filed with Secretary of State June 9, 1999.