

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

PART 72
STANDARDS AND SCHEDULES

333.7201 Administration of article; adding, deleting, or rescheduling substances.

Sec. 7201. The administrator shall administer this article and may add substances to, or delete or reschedule all substances enumerated in the schedules in sections 7212, 7214, 7216, 7218, and 7220 in compliance with the administrative procedures act of 1969.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 182, Imd. Eff. June 19, 2012.

Constitutionality: The Legislature's delegation to the Board of Pharmacy of the authority to schedule controlled substances in accordance with detailed criteria is not an unlawful delegation of power. *People v Turmon*, 417 Mich 638; 340 NW2d 620 (1983).

Compiler's note: For transfer of powers and duties of certain health-related functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

Popular name: Act 368

Administrative rules: R 338.3101 et seq. of the Michigan Administrative Code.

333.7202 Considerations in making determination regarding substance; emergency rule.

Sec. 7202. (1) In making a determination regarding a substance, the administrator shall consider all of the following:

- (a) The actual or relative potential for abuse.
- (b) The scientific evidence of its pharmacological effect, if known.
- (c) The state of current scientific knowledge regarding the substance.
- (d) The history and current pattern of abuse.
- (e) The scope, duration, and significance of abuse.
- (f) The risk to the public health.
- (g) The potential of the substance to produce psychic or physiological dependence liability.
- (h) Whether the substance is an immediate precursor of a substance already controlled under this article.

(2) In making a determination regarding a substance that is the subject of an emergency rule, the administrator shall consider all of the factors set forth in subsection (1) and shall also consider whether the administrator has been notified that the substance constitutes an imminent danger as defined in section 2251.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 182, Imd. Eff. June 19, 2012.

Popular name: Act 368

333.7203 Findings; rule controlling substance; imminent danger; extension of emergency rule; substance as precursor of controlled precursor.

Sec. 7203. (1) After considering the factors enumerated in section 7202(1), the administrator shall make findings with respect to those factors and promulgate a rule controlling the substance if the administrator finds the substance has a potential for abuse.

(2) If the administrator is notified in writing by the director of the department of community health under section 2251 that a substance constitutes an imminent danger as defined in that section, the administrator shall consider the factors enumerated in section 7202(1) and (2) and make findings with respect to those factors and may do either or both of the following:

(a) Proceed under section 48(2) of the administrative procedures act of 1969, 1969 PA 306, MCL 28.248, to schedule or reschedule the substance as a controlled substance by emergency rule.

(b) Initiate and pursue the process to promulgate a rule controlling the substance.

(3) The administrator may extend an emergency rule processed under subsection (2)(a) by filing a certificate of extension with the office of secretary of state before the expiration of the emergency rule as provided in section 48(2) of the administrative procedures act of 1969.

(4) If the administrator designates a substance as an immediate precursor, a substance that is a precursor of the controlled precursor is not subject to control solely because it is a precursor of the controlled precursor.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 182, Imd. Eff. June 19, 2012.

Popular name: Act 368

333.7204 Substance designated, rescheduled, or deleted as controlled substance under federal law; notice; board meeting; similar control of substance by administrator;

publication of reasons for determination.

Sec. 7204. If a substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice of that designation, rescheduling, or deletion is given to the administrator, the substance shall be similarly scheduled under section 7201 unless the administrator holds a board meeting within the expiration of 91 days after notice is received to determine whether the substance should be similarly controlled under section 7201. If the administrator decides not to similarly control the substance, the administrator shall, within 91 days after that decision is made, publish the reasons for that determination.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1994, Act 38, Eff. June 1, 1994;—Am. 2012, Act 182, Imd. Eff. June 19, 2012.

Popular name: Act 368

333.7206 Scientific advisory commission; creation; purpose; appointment and terms of members; recommendations.

Sec. 7206. (1) A 7-member scientific advisory commission is created to serve as a consultative and advisory body to the administrator in all matters relating to the classification, reclassification, addition to, or deletion from, all substances presently classified as controlled substances in schedules 1 to 5, or substances not presently controlled or yet to come into being. The scientific advisory commission shall be composed of 2 physicians to be appointed by the director of public health; 2 pharmacists to be appointed by the director of commerce; the chief of the crime detection laboratory of the department of public health; the director of mental health or his or her designee; and the director of the department of state police or his or her designee. The physician and pharmacist appointments shall be for 2-year terms.

(2) The administrator shall receive the recommendations of the scientific advisory commission pursuant to administration over the controlled substances for inclusion in or exclusion from schedules 1 to 5, especially in the implementation of scheduled substances changes as provided in section 7201, except that the administrator is not bound by recommendations of the scientific advisory commission.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1993, Act 80, Eff. Apr. 1, 1994.

Popular name: Act 368

333.7208 Authority to control; exclusions.

Sec. 7208. (1) Authority to control under this article does not extend to distilled spirits, wine, malt beverages, or tobacco.

(2) Except as provided in section 7220(1)(c), the administrator shall exclude a nonnarcotic substance from a schedule if the substance, under the federal food, drug, and cosmetic act of 1938, 21 U.S.C. 301 to 392, and the laws of this state, may be lawfully sold over the counter without a prescription.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1999, Act 144, Eff. Jan. 21, 2000.

Popular name: Act 368

333.7210 Inclusion of controlled substances by whatever name designated.

Sec. 7210. The controlled substances listed or to be listed in the schedules in sections 7212, 7214, 7216, 7218, and 7220 are included by whatever official, common, usual, chemical, or trade name designated.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.7211 Schedule 1; placement of substance.

Sec. 7211. The administrator shall place a substance in schedule 1 if it finds that the substance 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.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Constitutionality: The Legislature's delegation to the Board of Pharmacy of the authority to schedule controlled substances in accordance with detailed criteria is not an unlawful delegation of power. People v Turmon, 417 Mich. 638; 340 NW2d 620 (1983).

Popular name: Act 368

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 | Phenamipromide |
| Betacetylmethadol | Ethylmethylthiambutene | Phenomorphin |
| Betameprodine | Etonitazene | Phenoperidine |
| Betamethadol | Etoxidine | Piritramide |
| Betaprodine | Furethidine | Proheptazine |
| Clonitazene | Hydroxypethidine | Properidine |
| Dextromoramide | Ketobemidone | Propiram |
| Diampromide | Levomoramide | Racemoramide |
| Diethylthiambutene | Levophenacymorphan | 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 | Hydromorfinol | 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

Bufotenine

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) Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers.

(ii) Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.

(iii) $\Delta^{3,4}$ 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 naphthylmethylindoles, 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 naphthoylpyrroles 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 phenacetylindoles, 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-adamantyl)indole structure, also known as adamantoylindoles, 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) Methylenedioxypropylvalerone

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, alkylendioxy, 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

333.7213 Schedule 2; placement of substance.

Sec. 7213. The administrator shall place a substance in schedule 2 if it finds all of the following:

- (a) The substance has high potential for abuse.
- (b) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions.
- (c) The abuse of the substance may lead to severe psychic or physical dependence.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.7214 Schedule 2; controlled substances included.

Sec. 7214. The following controlled substances are included in schedule 2:

(a) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(i) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding nalaxone and its salts, and excluding naltrexone and its salts, but including the following:

| | |
|----------------------|-------------------------|
| Raw opium | Etorphine hydrochloride |
| Opium extracts | Hydrocodone |
| Opium Fluid-extracts | Hydromorphone |
| Powdered opium | Metopon |
| Granulated opium | Morphine |
| Tincture of opium | Oxycodone |
| Codeine | Oxymorphone |
| Ethylmorphine | Thebaine |

(ii) A salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with a substance referred to in this subdivision, except that these substances do not include the isoquinoline alkaloids of opium.

(iii) Opium poppy, poppy straw, and concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form, which contains the phenanthrene alkaloids of the opium poppy.

(iv) Coca leaves and any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of these substances, except that the substances do not include decocainized coca leaves or extraction of coca leaves which extractions do not contain cocaine or ecgonine. The substances include cocaine, its salts, stereoisomers, and salts of stereoisomers when the existence of the salts, stereoisomers, and salts of stereoisomers is possible within the specific chemical designation.

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

| | |
|--------------|----------|
| Alphaprodine | Fentanyl |
|--------------|----------|

| | |
|----------------|----------------|
| Anileridine | Isomethadone |
| Bezitramide | Levomethorphan |
| Dihydrocodeine | Levorphanol |
| Diphenoxylate | Metazocine |

Methadone

Methadone-Intermediate, 4-cyano-2dimethylamino-4, 4-diphenyl butane
 Moramide-Intermediate, 2-methyl-3-morpholino-1,
 1-diphenylpropane-carboxylic acid

Pethidine

Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
 Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
 Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
 carboxylic acid

| | |
|-------------|----------------|
| Phenazocine | Racemethorphan |
| Piminodine | Racemorphan |

(c) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having potential for abuse associated with a stimulant effect on the nervous system:

- (i) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
- (ii) Any substance which contains any quantity of methamphetamine, including its salts, stereoisomers, and salts of stereoisomers.
- (iii) Phenmetrazine and its salts.
- (iv) Methylphenidate and its salts.

(d) Any material, compound, mixture, or preparation, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation as listed in schedule 2, which contains any quantity of the following substances having a potential for abuse associated with the depressant effect on the central nervous system: methaqualone, amobarbital, pentobarbital, or secobarbital; or, any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof in combination with itself, with another, or with 1 or more other controlled substances.

(e) Marihuana, but only for the purpose of treating a debilitating medical condition as that term is defined in section 3(b) of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26423, and as authorized under this act.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1979, Act 125, Imd. Eff. Oct. 22, 1979;—Am. 1981, Act 231, Imd. Eff. Jan. 13, 1982;—Am. 1982, Act 352, Imd. Eff. Dec. 21, 1982;—Am. 2013, Act 268, Imd. Eff. Dec. 30, 2013.

Popular name: Act 368

333.7215 Schedule 3; placement of substance.

Sec. 7215. The administrator shall place a substance in schedule 3 if it finds all of the following:

- (a) The substance has a potential for abuse less than the substances listed in schedules 1 and 2.
- (b) The substance has currently accepted medical use in treatment in the United States.
- (c) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.7216 Schedule 3; controlled substances included; rules.

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 | Mediatric tabs |
| Chlorphentermine | Mediatric liquid |
| Clortermine | Phendimetrazine |
| Edrisal tabs | Special formula 711 tabs |
| Genegestic caps | Thora Dex No. 1 tab |
| Hovizyme tabs | Thora Dex No. 2 tab |

Mazindol

(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 | Phencyclidine |
| Glutethimide | Sulfondiethylmethane |
| Lysergic acid | Sulfonethylmethane |
| Lysergix acid amide | Sulfonmethane |
| Methyprylon | |

(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.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1999, Act 42, Eff. Aug. 15, 1999.

Popular name: Act 368

333.7217 Schedule 4; placement of substance.

Sec. 7217. The administrator shall place a substance in schedule 4 if it finds all of the following:

(a) The substance has a low potential for abuse relative to substances in schedule 3.

(b) The substance has currently accepted medical use in treatment in the United States.

(c) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in schedule 3.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.7218 Schedule 4; controlled substances included.

Sec. 7218. (1) The following controlled substances are included in schedule 4:

(a) 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, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

| | |
|--------------------|---------------------|
| Barbital | Flurazepam |
| Chloral Betaine | Lorazepam |
| Chloral Hydrate | Mebutamate |
| Chlordiazepoxide | Meprobamate |
| Clonazepam | Methohexital |
| Clorazepate | Methylphenobarbital |
| Dextropropoxyphene | Oxazepam |
| Diazepam | Paraldehyde |
| Ethchlorvynol | Petrichloral |
| Ethinamate | Phenobarbital |
| Flunitrazepam | Prazepam |

(b) Any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with an effect on the central nervous system, including their salts, optical, positional, or geometric isomers, and salts of the isomers if the existence of the salts, isomers, and salts of isomers is possible.

Fenfluramine

(c) 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, optical, positional, 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.

Diethylpropion

Phentermine

Pemoline, including organometallic complexes and chelates of pemoline.

Cathine

Some trade and other names:

d-norpseudoephedrine

(2) The administrator may except by rule any compound, mixture or preparation containing any substance listed in subsection (1) 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 depressant or stimulant 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 depressant or stimulant effect on the central nervous system.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1998, Act 319, Eff. Oct. 1, 1998;—Am. 2010, Act 171, Eff. Oct. 1, 2010.

Popular name: Act 368

333.7219 Schedule 5; placement of substance.

Sec. 7219. The administrator shall place a substance in schedule 5 if it finds all of the following:

(a) The substance has low potential for abuse relative to the controlled substances listed in schedule 4.

(b) The substance has currently accepted medical use in treatment in the United States.

(c) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in schedule 4 or the incidence of abuse is such that the substance should be dispensed by a practitioner.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Constitutionality: The Legislature's delegation to the Board of Pharmacy of the authority to schedule controlled substances in accordance with detailed criteria is not an unlawful delegation of power. People v Turmon, 417 Mich 638; 340 NW2d 620 (1983).

Popular name: Act 368

333.7220 Schedule 5; controlled substances included.

Sec. 7220. (1) The following controlled substances are included in schedule 5:

(a) The following drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

Loperamide

(b) Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts of narcotic drugs, which includes 1 or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(i) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams and not more than 10 milligrams per dosage unit.

(ii) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

(iii) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

(iv) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(v) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

(c) Except as otherwise provided in this subdivision, ephedrine, a salt of ephedrine, an optical isomer of ephedrine, a salt of an optical isomer of ephedrine, or a compound, mixture, or preparation containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine. However, the following are not included in schedule 5:

(i) A product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine if the drug product may lawfully be sold over the counter without a prescription under federal law, is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph, is manufactured and distributed for legitimate medical use in a manner that reduces or eliminates the likelihood for abuse, and is not marketed, advertised, or labeled for an indication of stimulation, mental alertness, energy, weight loss, appetite control, or muscle enhancement and if the drug product is 1 of the following:

(A) A solid dosage form, including but not limited to a soft gelatin caplet, that combines as active ingredients not less than 400 milligrams of guaifenesin and not more than 25 milligrams of ephedrine per dose, packaged in blister packs with not more than 2 tablets or caplets per blister.

(B) An anorectal preparation containing not more than 5% ephedrine.

(ii) A food product or a dietary supplement containing ephedrine, if the food product or dietary supplement meets all of the following criteria:

(A) It contains, per dosage unit or serving, not more than the lesser of 25 milligrams of ephedrine alkaloids or the maximum amount of ephedrine alkaloids provided in applicable regulations adopted by the United States food and drug administration and contains no other controlled substance.

(B) It contains no hydrochloride or sulfate salts of ephedrine alkaloids.

(C) It is packaged with a prominent label securely affixed to each package that states the amount in milligrams of ephedrine in a serving or dosage unit; the amount of the food product or dietary supplement that constitutes a serving or dosage unit; that the maximum recommended dosage of ephedrine for a healthy adult human is the lesser of 100 milligrams in a 24-hour period or the maximum recommended dosage or period of use provided in applicable regulations adopted by the United States food and drug administration; and that improper use of the product may be hazardous to a person's health.

(2) Inclusion of the substances described in subsection (1)(c) into schedule 5 does not preclude prosecution for a crime involving those schedule 5 substances under section 17766c.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1999, Act 144, Eff. Jan. 21, 2000.

Popular name: Act 368

333.7227 Substances excluded from schedules of controlled substances; excluded substance as deleterious drug; manufacturing, distributing, or dispensing excluded substance.

Sec. 7227. (1) A nonnarcotic substance that under the federal food, drug and cosmetic act may be lawfully dispensed without a prescription is excluded from all schedules pursuant to section 7208(2). A substance that contains 1 or more controlled substances in a proportion or concentration to vitiate the potential for abuse is excluded.

(2) Substances included in schedule 5 under section 7220(1)(c) are not excluded under subsection (1).

(3) An excluded substance is a deleterious drug and may be manufactured, distributed, or dispensed only by a person who is registered to manufacture, distribute, or dispense a controlled substance under section 7208(2).

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1999, Act 144, Eff. Jan. 21, 2000.

Popular name: Act 368

333.7229 Excepted compound, mixture, or preparation; compliance.

Sec. 7229. A compound, mixture, or preparation containing a depressant or stimulant substance or of similar quantitative composition shown in federal regulations as an excepted compound or which is the same except that it contains a lesser quantity of a controlled substance or other substances which do not have a stimulant, depressant, or hallucinogenic effect, and which is restricted by law to dispensing on prescription is excepted from sections 7212, 7214, 7216, 7218, and 7220. Compliance with federal law respecting an excepted compound is considered compliance with this section.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.7231 Notice of change in scheduling or rescheduling.

Sec. 7231. The administrator shall notify all registrants under this article, the secretary of the senate, the clerk of the house of representatives, the attorney general, and the director of the department of state police of any change in scheduling or rescheduling not later than 30 days before the change is effective.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368