

## Section 333.7404

### PUBLIC HEALTH CODE (EXCERPT) Act 368 of 1978

#### **333.7404 Use of controlled substance or controlled substance analogue; violations; penalties.**

##### Sec. 7404.

(1) A person shall not use a controlled substance or controlled substance analogue unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this article.

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

(a) A controlled substance classified in schedule 1 or 2 as a narcotic drug or a drug described in section 7212(1)(h) or 7214(a)(iv) or (c)(ii) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(b) A controlled substance classified in schedule 1, 2, 3, or 4, except a controlled substance for which a penalty is prescribed in subdivision (a), (c), or (d), or a controlled substance analogue, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(c) Lysergic acid diethylamide, peyote, mescaline, dimethyltryptamine, psilocyn, psilocybin, or a controlled substance classified in schedule 5 is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$500.00, or both.

(d) Marihuana, catha edulis, salvia divinorum, or a substance described in section 7212(1)(i) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

**History:** 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1994, Act 38, Eff. June 1, 1994 ;-- Am. 2000, Act 314, Eff. Jan. 1, 2001 ;-- Am. 2002, Act 710, Eff. Apr. 1, 2003 ;-- Am. 2010, Act 169, Eff. Oct. 1, 2010 ;-- Am. 2012, Act 183, Eff. July 1, 2012

**Popular Name:** Act 368