

Table of Select Controlled Substance Offenses

Michigan’s sentencing guidelines are no longer mandatory; however, they are advisory and courts are *required* to calculate the applicable guidelines range and consider it during sentencing. *People v Lockridge*, 498 Mich 358, 365 (2015). See the Michigan Judicial Institute’s *Controlled Substances Benchbook*, Chapter 6, for a brief discussion of felony sentencing.

Relevant Statute(s)	Description ¹	Conduct Category	Guidelines See MCL 777.13m; MCL 777.13n; MCL 777.16a; MCL 777.16h; MCL 777.16p; MCL 777.17b; MCL 777.17g; MCL 777.18	Grp	Cls	Max Jail/ Prison Sentence	Max Fine
MCL 333.7302a(1); MCL 333.7302a(8)	Failure to mark/imprint drugs	misdemeanor	no			1	\$25,000
MCL 333.7339(2); MCL 333.7339(3)	Unlawful advertising of a dietary product or supplement containing ephedrine	misdemeanor	no			93 days	\$100
MCL 333.7339(1); MCL 333.7339(3)	Sale of ephedrine to minor	misdemeanor	no			93 days	\$100
MCL 333.7340(1); MCL 333.7340(3)	Sale, distribution, delivery, or furnishing product containing ephedrine or pseudoephedrine by mail, internet, telephone, or other electronic means	felony	yes	CS	F	4	\$5,000
MCL 333.7341(4)	Use/possession with intent to use imitation controlled substance — first offense	civil infraction	no			N/A	\$100
MCL 333.7341(4)	Use/possession with intent to use imitation controlled substance — 2nd/subsequent	misdemeanor	no			90 days	\$100
MCL 333.7341(6)	Advertise/promote distribution of an imitation controlled substance	misdemeanor	no			1	\$5,000
MCL 333.7341(8)	Deliver/manufacture — imitation controlled substance	felony	yes	CS	G	2	\$10,000
MCL 333.7401(1); MCL 333.7401(2)(a)(i)	Deliver/manufacture — 1,000 grams/more of certain schedule 1 or 2 substances	felony	yes	CS	A	Life	\$1,000,000
MCL 333.7401(1); MCL 333.7401(2)(a)(ii)	Deliver/manufacture — 450+ grams/less than 1,000 grams of certain schedule 1 or 2 substances	felony	yes	CS	A	30	\$500,000
MCL 333.7401(1); MCL 333.7401(2)(a)(iii)	Deliver/manufacture — 50+ grams/less than 450 grams of certain schedule 1 or 2 substances	felony	yes	CS	B	20	\$250,000

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MCL 333.7401(1); MCL 333.7401(2)(a)(iv)	Deliver/manufacture — less than 50 grams of certain schedule 1 or 2 substances	felony	yes	CS	D	20	\$25,000
MCL 333.7401(1); MCL 333.7401(2)(b)(i)	Deliver/manufacture — methamphetamine or 3, 4-methylenedioxymethamphetamine	felony	yes	CS	B	20	\$25,000
MCL 333.7401(1); MCL 333.7401(2)(b)(ii)	Deliver/manufacture — certain schedule 1, 2, or 3 controlled substances	felony	yes	CS	E	7	\$500,000
MCL 333.7401(1); MCL 333.7401(2)(c)	Deliver/manufacture — schedule 4 controlled substance	felony	yes	CS	F	4	\$2,000
MCL 333.7401(1); MCL 333.7401(2)(d)(i)	Deliver/manufacture — 45 kilograms/more of marijuana or synthetic equivalents of marijuana	felony	yes	CS	C	15	\$10,000,000
MCL 333.7401(1); MCL 333.7401(2)(d)(ii)	Deliver/manufacture — 5 kilograms/more /less than 45 kilograms of marijuana or synthetic equivalents of marijuana	felony	yes	CS	D	7	\$500,000
MCL 333.7401(1); MCL 333.7401(2)(d)(iii)	Deliver/manufacture — less than 5 kilograms or 20 plants of marijuana or synthetic equivalents of marijuana	felony	yes	CS	F	4	\$20,000
MCL 333.7401(1); MCL 333.7401(2)(e)	Deliver/manufacture — schedule 5 controlled substance	felony	yes	CS	G	2	\$2,000
MCL 333.7401(1); MCL 333.7401(2)(f)	Deliver/manufacture — prescription form or counterfeit prescription form	felony	yes	CS	D	7	\$5,000
MCL 333.7401a(1)	Deliver—controlled substance/GBL, intent to commit CSC	felony	yes	Person	B	20	N/A
MCL 333.7401b(1)(a); MCL 333.7401b(3)(a)	Deliver/manufacture — GBL	felony	yes	CS	E	7	\$5,000
MCL 333.7401b(1)(b); MCL 333.7401b(3)(b)	Possession of GBL	felony	yes	CS	G	2	\$2,000
MCL 333.7401c(1); MCL 333.7401c(2)(a)	Operate/maintain controlled substance laboratory	felony	yes	CS	D	10	\$100,000
MCL 333.7401c(1); MCL 333.7401c(2)(b)	Operate/maintain controlled substance laboratory in presence of minor	felony	yes	CS	B	20	\$100,000
MCL 333.7401c(1); MCL 333.7401c(2)(c)	Operate/maintain controlled substance laboratory involving hazardous waste	felony	yes	CS	B	20	\$100,000
MCL 333.7401c(1); MCL 333.7401c(2)(d)	Operate/maintain laboratory near certain places	felony	yes	CS	B	20	\$100,000

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MCL 333.7401c(1); MCL 333.7401c(2)(e)	Operate/maintain controlled substance laboratory involving firearm/other harmful device	felony	yes	CS	A	25	\$100,000
MCL 333.7401c(1); MCL 333.7401c(2)(f)	Operate/maintain laboratory involving methamphetamine	felony	yes	CS	B	20	\$25,000
MCL 333.7402(1); MCL 333.7402(2)(a)	Deliver/manufacture — certain counterfeit controlled substances	felony	yes	CS	D	10	\$10,000
MCL 333.7402(1); MCL 333.7402(2)(b)	Deliver/manufacture — schedule 1, 2, or 3 counterfeit controlled substance	felony	yes	CS	E	5	\$5,000
MCL 333.7402(1); MCL 333.7402(2)(c)	Deliver/manufacture — counterfeit schedule 4 substance	felony	yes	CS	F	4	\$2,000
MCL 333.7402(1); MCL 333.7402(2)(d)	Deliver/manufacture — counterfeit schedule 5 substance	felony	yes	CS	G	2	\$2,000
MCL 333.7402(1); MCL 333.7402(2)(e)	Deliver/manufacture — controlled substance analogue	felony	yes	CS	C	15	\$250,000
MCL 333.7403(1); MCL 333.7403(2)(a)(i)	Possess 1,000+ grams of certain schedule 1 or 2 substances	felony	yes	CS	A	Life	\$1,000,000
MCL 333.7403(1); MCL 333.7403(2)(a)(ii)	Possess 450+ grams/less than 1kg of certain schedule 1 or 2 substances	felony	yes	CS	A	30	\$500,000
MCL 333.7403(1); MCL 333.7403(2)(a)(iii)	Possess 50+ grams/less than 450 grams of certain schedule 1 or 2 substances	felony	yes	CS	B	20	\$250,000
MCL 333.7403(1); MCL 333.7403(2)(a)(iv)	Possess 25+ grams/less than 50 grams of certain schedule 1 or 2 substances	felony	yes	CS	G	4	\$25,000
MCL 333.7403(1); MCL 333.7403(2)(a)(v)	Possession of less than 25 grams of certain schedule 1 or 2 controlled substances	felony	yes	CS	G	4	\$25,000
MCL 333.7403(1); MCL 333.7403(2)(b)(i)	Possession of methamphetamine or 3, 4-methylenedioxymethamphetamine	felony	yes	CS	D	10	\$15,000
MCL 333.7403(1); MCL 333.7403(2)(b)(ii)	Possession of certain schedule 1, 2, 3, or 4 controlled substances or analogues	felony	yes	CS	G	2	\$2,000
MCL 333.7403(1); MCL 333.7403(2)(c)	Possession of LSD, peyote, mescaline, dimethyltryptamine, psilocyn, psilocybin, or schedule 5 drugs	misdemeanor	no			1	\$2,000

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MCL 333.7403(1); MCL 333.7403(2)(d)	Possession of marijuana	misdemeanor	no			1	\$2,000
MCL 333.7403(1); MCL 333.7403(2)(e)	Possession of prescription forms	misdemeanor	no			1	\$1,000
MCL 333.7404(1); MCL 333.7404(2)(a)	Use of schedule 1 or 2 narcotics/cocaine/methamphetamine	misdemeanor	no			1	\$2,000
MCL 333.7404(1); MCL 333.7404(2)(b)	Use of certain schedule 1, 2, 3, or 4 controlled substances or controlled substance analogues	misdemeanor	no			1	\$1,000
MCL 333.7404(1); MCL 333.7404(2)(c)	Use of LSD, peyote, mescaline, dimethyltryptamine, psilocyn, psilocybin, or schedule 5 substances	misdemeanor	no			6 mo	\$500
MCL 333.7404(1); MCL 333.7404(2)(d)	Use of marijuana, catha edulis, salvia divinorum, or N-Benzylpiperazine	misdemeanor	no			90 days	\$100
MCL 333.7405(1)(a); MCL 333.7406	Knowing or intentional controlled substance violations by licensee	misdemeanor	yes	CS	G	2	\$25,000
MCL 333.7405(1)(b); MCL 333.7406	Knowing or intentional manufacturing/distributing violations by licensee	misdemeanor	yes	CS	G	2	\$25,000
MCL 333.7405(1)(c); MCL 333.7406	Knowing or intentional refusal of lawful inspection	misdemeanor	yes	CS	G	2	\$25,000
MCL 333.7405(1)(d); MCL 333.7406	Knowingly or intentionally maintaining a drug house	misdemeanor	yes	CS	G	2	\$25,000
MCL 333.7407(1)(a); MCL 333.7407(3)	Controlled substance violations by licensee	felony	yes	CS	G	4	\$30,000
MCL 333.7407(1)(b); MCL 333.7407(3)	Use of fictitious, revoked, or suspended license number	felony	yes	CS	G	4	\$30,000
MCL 333.7407(1)(c); MCL 333.7407(3)	Obtaining controlled substance by fraud	felony	yes	CS	G	4	\$30,000
MCL 333.7407(1)(d); MCL 333.7407(3)	False reports under Article 7 of the PHC	felony	yes	CS	G	4	\$30,000
MCL 333.7407(1)(e); MCL 333.7407(3)	Possession of counterfeiting implements	felony	yes	CS	G	4	\$30,000
MCL 333.7407(1)(f); MCL 333.7407(3)	Possession of counterfeit prescription form	felony	yes	CS	F	4	\$30,000

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MCL 333.7407(2); MCL 333.7407(3)	Refusing to furnish records under Article 7 of the PHC	felony	yes	CS	G	4	\$30,000
MCL 333.7407a	Attempted controlled substance violations	varies by offense					
MCL 333.7410(1)	Deliver/possess with intent — GBL, cocaine, or schedule 1/2/3/4/5 substance to a minor	felony	yes	CS	SPEC	Varies	Varies
MCL 333.7410(2)	Deliver schedule 1 narcotic/cocaine within 1,000 feet of school property or a library	felony	yes	CS	SPEC	Varies	Varies
MCL 333.7410(3)	Possess/intent to deliver schedule 1 narcotic/cocaine within 1,000 feet of school property or a library	felony	yes	CS	SPEC	Varies	Varies
MCL 333.7410(4)	Possess GBL/certain other substances on school property or library property	felony	yes	CS	SPEC	Varies	Varies
MCL 333.7410(6)	Manufacture methamphetamine on or within 1,000 feet of school property or library	felony	yes	CS	SPEC	Varies	Varies
MCL 333.7410(7)	Distribution of marijuana w/o remuneration	misdemeanor	no			1	\$1,000
MCL 333.7410a(1)(a)	Deliver GBL/other controlled substance to minor on or within 1,000 feet of a park	felony	yes	CS	G	2	N/A
MCL 333.7410a(1)(b)	Possess/intent to deliver GBL/other substance to minor in or within 1,000 feet of a park	felony	yes	CS	G	2	N/A
MCL 333.7410a(1)(c)	Possession—GBL/other substance in a park	felony	yes	CS	G	2	N/A
MCL 333.7410a(1)(d)	Equipment/place used to manufacture GBL	felony	yes	CS	G	2	N/A
MCL 333.7413(1)	Subsequent controlled substance violations	felony	yes	Pub trst	SPEC	Varies	Varies
MCL 333.7413(2)	Subsequent controlled substance violations	felony	yes	Pub trst	SPEC	Varies	Varies
MCL 333.7416(1)	Recruiting/inducing a minor to commit a controlled substance felony	felony	yes	CS	SPEC	Varies	Varies

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MCL 333.7417(1); MCL 333.7417(2)	Sell/offer to sell named product producing same or similar effect as scheduled ingredient	felony	yes	CS	F	4	\$20,000
MCL 333.7453; MCL 333.7455(1)	Sell/offer for sale drug paraphernalia	misdemeanor	no			90 days	\$5,000
MCL 333.7453; MCL 333.7455(2)	Sell/offer to sell drug paraphernalia to a minor	misdemeanor	no			1	\$7,500
MCL 333.17764(1); MCL 750.504	Sell/manufacture a drug or device with misleading label	misdemeanor	no			90 days	\$500
MCL 333.17764(2); MCL 333.17764(3)	Adulterate, misbrand, remove, or substitute drug/device	felony	yes	Pub saf	F	2	\$1,000
MCL 333.17764(2); MCL 333.17764(4)	Adulterate/misbrand/remove/substitute drug/device causing injury	felony	yes	Pub saf	F	4	\$4,000
MCL 333.17764(2); MCL 333.17764(5)	Adulterate/misbrand/remove/substitute drug/device causing serious impairment	felony	yes	Pub saf	E	5	\$5,000
MCL 333.17764(2); MCL 333.17764(6)	Adulterate/misbrand/remove/substitute drug/device causing death	felony	yes	Pub saf	C	15	\$20,000
MCL 333.17764(2); MCL 333.17764(7)	Adulterate/misbrand/remove/substitute drug/device —intend death/serious impairment to 2 or more persons	felony	no			Life no parole	\$40,000
MCL 333.17766(a); MCL 750.504	Obtain a prescription drug using a false name	misdemeanor	no			90 days	\$500
MCL 333.17766(b); MCL 750.504	Obtain a prescription drug by false representation	misdemeanor	no			90 days	\$500
MCL 333.17766(c); MCL 750.504	Counterfeit/alter/forged a prescription	misdemeanor	no			90 days	\$500
MCL 333.17766(d); MCL 750.504	Possession of counterfeit/altered/forged prescription	misdemeanor	no			90 days	\$500
MCL 333.17766(e); MCL 750.504	Obtain a prescription drug using counterfeit/forged/altered prescription	misdemeanor	no			90 days	\$500

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MCL 333.17766(f); MCL 750.504	Possession/intent to sell/resell prescription drug	misdemeanor	no			90 days	\$500
MCL 333.17766(g); MCL 750.504	Possession/intent to sell/resell damaged drug unfit for human or animal use	misdemeanor	no			90 days	\$500
MCL 333.17766(h); MCL 750.504	Unauthorized preparation of prescription drug	misdemeanor	no			90 days	\$500
MCL 333.17766(i); MCL 750.504	Unauthorized sale of drug in bulk or at auction	misdemeanor	no			90 days	\$500
MCL 333.17766c(1)(a)-(b); MCL 333.17766c(2)(a)	Purchase — more than 3.6 grams of ephedrine or pseudoephedrine in a single day, or more than 9 grams in a 30-day period	misdemeanor	no			93 days	\$500
MCL 333.17766c(1)(c); MCL 333.17766c(2)(b)	Possession — more than 12 grams of ephedrine or pseudoephedrine	felony	yes	CS	G	2	\$2,000
MCL 333.17766c(1)(d); MCL 333.17766c(2)(c)	Purchase or Possession — any amount of ephedrine or pseudoephedrine knowing or having reason to know that it is to be used to manufacture methamphetamine	felony	yes	CS	E	5	\$5,000
MCL 333.17766f(1); MCL 333.17766f(3)	Violate requirements for authorized sale of ephedrine or pseudoephedrine	civil infraction	no			N/A	\$500
MCL 333.26424(f)	Selling marijuana in violation of registry identification card restrictions	felony	yes	Pub trst	G	2	\$2,000
MCL 333.27407a(a)	Operating medical marihuana facility without a valid license — first violation	misdemeanor	no			93 days	\$25,000 (\$10,000 min)
MCL 333.27407a(b)	Operating medical marihuana facility without a valid license — second or subsequent violation	misdemeanor	no			1	\$25,000 (\$10,000 min)

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MCL 333.27407a(c)	Operating medical marihuana facility without a valid license resulting in death or serious injury	felony	yes	Pub saf	F	4	\$25,000 (\$10,000 min)
MCL 750.16(1)	Adulterate/misbrand/remove/substitute drug or medicine	felony	yes	Person	G	2	\$1,000
MCL 750.16(2)	Adulterate/misbrand/remove/substitute drug or medicine causing personal injury	felony	yes	Person	F	4	\$4,000
MCL 750.16(3)	Adulterate/misbrand/remove/substitute drug or medicine—serious impairment of body function	felony	yes	Person	E	5	\$5,000
MCL 750.16(4)	Adulterate/misbrand/remove/substitute drug or medicine resulting in death	felony	yes	Person	C	15	\$20,000
MCL 750.16(5)	Adulterate/misbrand/remove/substitute drug/medicine—intend death or serious impairment to 2 or more persons	felony	no			Life no parole ²	\$40,000
MCL 750.18(1); MCL 750.18(2); MCL 750.18(3)	Mix/color/stain/powder a drug/medicine with ingredient affecting quality/potency	felony	yes	Person	G	2	\$1,000
MCL 750.18(1); MCL 750.18(2); MCL 750.18(4)	Mix/color/stain/powder a drug/medicine with ingredient resulting in personal injury	felony	yes	Person	F	4	\$4,000
MCL 750.18(1); MCL 750.18(2); MCL 750.18(5)	Mix/color/stain/powder a drug/medicine with ingredient resulting in serious impairment of body function	felony	yes	Person	E	5	\$5,000
MCL 750.18(1); MCL 750.18(2); MCL 750.18(6)	Mix/color/stain/powder a drug/medicine with ingredient resulting in death	felony	yes	Person	C	15	\$20,000
MCL 750.18(1); MCL 750.18(2); MCL 750.18(7)	Mix/color/stain/powder a drug/medicine with ingredient with intent to kill/cause serious impairment of body function of 2+ individuals, resulting in death.	felony	no			Life no parole ³	\$40,000
MCL 750.141a(2); MCL 750.141a(4)	Permitting consumption of controlled substance at a social gathering—first offense	misdemeanor	no			30 days	\$1,000
MCL 750.141a(2); MCL 750.141a(5)	Permitting consumption of controlled substance—second/subsequent offense	misdemeanor	no			90 days	\$1,000

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MCL 750.157a(a)	Conspiracy	varies with offense	yes	Pub saf	SPEC	Varies	Varies
MCL 750.157b(3)(a)	Solicitation of felony punishable by life or 5 or more years	felony	yes	Pub ord	E	5	\$5,000
MCL 750.157b(3)(b)	Solicitation of felony punishable by less than 5 years	felony	yes	Pub ord	G	2	\$1,000
MCL 750.157c	Inducing minor to commit felony	felony	yes	Person	SPEC	Varies	Varies
MCL 750.317a	Delivery of controlled substance causing death	felony	yes	Person	A	Life	N/A
MCL 750.411g(2)(a)-(c); MCL 750.411g(2)	Use/possession of controlled substance on premises of hotel or bed and breakfast	misdemeanor	no			90 days	\$500
MCL 750.474(1); MCL 750.474(2)	Transporting or possessing non-enclosed usable marijuana in or upon certain vehicles	misdemeanor	no			93 days	\$500
MCL 752.272a(1); MCL 752.272a(2)(a)	Sell/distribute nitrous oxide	misdemeanor	no			93 days	\$100
MCL 752.272a(1); MCL 752.272a(2)(b)	Sell/distribute nitrous oxide — one prior conviction	misdemeanor	no			1	\$500
MCL 752.272a(1); MCL 752.272a(2)(c)	Sell/distribute nitrous oxide — two+ prior convictions	felony	yes	Pub saf	F	4	\$2,000
MCL 752.272; MCL 752.273	Inhalation/consumption of chemical agent for purpose of intoxication	misdemeanor	no			93 days	\$100
MCL 800.281(1); MCL 800.285	Furnishing prisoner with contraband	felony	yes	Pub saf	H	5	\$1,000
MCL 800.281(2); MCL 800.285	Furnishing prisoner with contraband outside prison	felony	yes	Pub saf	H	5	\$1,000
MCL 800.281(3); MCL 800.285	Bringing contraband into a prison	felony	yes	Pub saf	H	5	\$1,000
MCL 800.281(4); MCL 800.285	Possession of contraband by prisoner	felony	yes	Pub saf	E	5	\$1,000

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MCL 801.263(1) ; MCL 801.265	Furnishing contraband to prisoner in jail	felony	yes	Pub saf	H	5	\$1,000
MCL 801.263(2) ; MCL 801.265	Possession of contraband by prisoner in jail	felony	yes	Pub saf	H	5	\$1,000

1. The descriptions provided may be incomplete, as they contain only information relevant to the *Controlled Substances Benchbook*.
2. Except as provided in [MCL 769.25](#) and [MCL 769.25a](#), concerning defendants less than 18 years of age at the time of the offense. [MCL 750.16\(5\)](#).
3. Except as provided in [MCL 769.25](#) and [MCL 769.25a](#), concerning defendants less than 18 years of age at the time of the offense. [MCL 750.18\(7\)](#).