



MICHIGAN STATE POLICE LEGAL UPDATE

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PUBLIC HEALTH CODE

Bath salts added to list of Schedule 1 controlled substances.

Public Act 88 of 2011 amended the Public Health Code, [MCL 333.7212](#), to include the following synthetic chemicals, used in manufacture of bath salts, to the list of Schedule 1 controlled substances:

- Methylenedioxypropylone, also known as Bath Salts, Cloud Nine, Hurricane Charlie, Ivory Wave, MDPV, Ocean, Red Dove, Scarface, Sonic, White Dove, and White Lightning
- 5,6-Methylenedioxy-2-aminoindane, also known as MDAI and Woof-Woof
- Naphyrone (Naphthylpropylone), also known as NRG-1 and Rave
- Pyrovalerone (1-(4-Methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone)

Penalties for unlawful conduct involving the above drugs are as follows:

- [MCL 333.7401\(2\)\(b\)\(ii\)](#) – manufacture, delivery, or possess with intent to deliver is a 7-year felony
- [MCL 333.7403\(2\)\(b\)\(ii\)](#) – possession is a 2-year felony
- [MCL 333.7404\(2\)\(b\)](#) – use is a 1-year misdemeanor

Officers are reminded that, like most designer drugs, bath salts are prohibited based on the chemical used in the manufacturing process. Laboratory analysis is required to determine the presence of a prohibited chemical within the substance. Only those bath salts containing scheduled chemicals are illegal in Michigan.

For example, a package may identify a product with the trade name “Cloud Nine;” however, a laboratory analysis is required to determine whether the product actually contains the Schedule 1 controlled substance methylenedioxypropylone.

Drug forfeiture funds may be used for any law enforcement purpose.

Public Act 161 of 2011 amended the Public Health Code, [MCL 333.7524](#), to allow law enforcement agencies to use the proceeds obtained from the sale of property forfeited for crimes involving controlled substances for any law enforcement purpose.

Previously, proceeds were only allowed to be used for law enforcement efforts related to the enforcement of controlled substances violations.

BACK TO BASICS

Note: The following material does not represent new law. Instead, it is intended to reinforce basic rules of law that police officers frequently apply.

Michigan law does not prohibit citizens from recording police officers performing their duties.

[MCL 750.539c](#) prohibits a person from using any device to eavesdrop upon a private conversation without the consent of all parties to the conversation. This statute only applies in situations where the parties have a reasonable expectation of privacy in the conversation. In general, police officers do not have a reasonable expectation of privacy during the performance of their duties.

Citizens may be arrested for resisting and obstructing, [MCL 750.81d](#), for interfering with a police officer in lawful discharge of his or her duties; however, simply recording an event from a safe distance is not the proper basis for a resisting and obstructing arrest.

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This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update.