

HOUSE BILL No. 5024

October 27, 2015, Introduced by Rep. Lucido and referred to the Committee on Judiciary.

A bill to create the impaired driving safety commission; to prescribe its powers and duties; to create the impaired driving safety commission fund; to provide for use of the fund; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "impaired driving safety commission act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the impaired driving safety commission
5 created in section 3.

6 (b) "Marihuana" means that term as defined in section 7106 of
7 the public health code, 1978 PA 368, MCL 333.7106, and includes all
8 of the following:

9 (i) All parts of a Cannabis sativa L. plant, growing or not.

1 (ii) The seeds or seedlings of a Cannabis sativa L. plant.

2 (iii) The resin extracted from any part of a Cannabis sativa
3 L. plant.

4 (iv) Every compound, manufacture, salt, derivative, mixture,
5 or preparation of a Cannabis sativa L. plant or its seeds or resin.

6 (c) "THC" means delta-9-tetrahydrocannabinol acid.

7 Sec. 3. (1) The impaired driving safety commission is created
8 within the department of state police.

9 (2) The commission shall research and recommend a
10 scientifically supported threshold of THC bodily content to provide
11 evidence for per se impaired driving in this state. The commission
12 shall exist until it submits the final report to the governor,
13 senate majority leader, and speaker of the house of representatives
14 required under section 4.

15 (3) Subject to subsection (4), the commission shall consist of
16 the following members appointed by the governor:

17 (a) The director of the department of state police or his or
18 her designated representative from within the department of state
19 police.

20 (b) One physician licensed under article 15 of the public
21 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

22 (c) One forensic toxicologist.

23 (d) One qualified and registered patient under the Michigan
24 medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

25 (e) One professor from 3 different public research
26 universities in this state.

1 (4) Only individuals meeting the qualifications under
2 subsection (3) who have significant experience or involvement in
3 studying marihuana, substance abuse, or impaired driving shall be
4 appointed to serve on the commission. An individual not possessing
5 good moral character, or who has been charged with a felony or
6 misdemeanor criminal charge involving a controlled substance,
7 theft, dishonesty, or fraud under the laws of this state, another
8 state, the United States, or a local ordinance substantially
9 corresponding to the laws of this state, is not eligible to serve
10 on the commission.

11 (5) The governor shall appoint the members to the commission
12 within 90 days of the effective date of this act.

13 (6) Members of the commission shall serve on the commission
14 unless or until a successor member is appointed by the governor.

15 (7) If a vacancy occurs on the commission, the governor shall
16 make an appointment for the unexpired term in the same manner as
17 the original appointment.

18 (8) The first meeting of the commission shall be called within
19 30 days after the members of the commission have been appointed.
20 The governor shall appoint 1 commission member to serve as the
21 commission chairperson. The chairperson shall serve as the
22 chairperson of the commission for the entirety of the commission's
23 term unless he or she is removed or resigns. If a chairperson is
24 removed or resigns, the governor shall appoint another member to
25 serve as chairperson.

26 (9) Members of the commission shall serve without compensation
27 but shall be reimbursed for their actual and necessary expenses

1 incurred in the performance of their official duties as members of
2 the commission.

3 (10) The governor may remove a member of the commission for
4 incompetence, dereliction of duty, malfeasance, misfeasance, or
5 nonfeasance in office, or for any other good cause.

6 (11) A majority of the members of the commission constitute a
7 quorum for the transaction of business at a meeting of the
8 commission. A majority of the members present and serving are
9 required for official action of the commission.

10 (12) The commission shall establish its own procedures and
11 requirements with respect to quorum, place and conduct of its
12 meetings, and other matters. The procedures established by the
13 commission shall at a minimum prescribe the requirements for
14 attendance at commission meetings by members, how meetings shall be
15 conducted, and any policies necessary to carry out the powers and
16 duties of the commission under this act. The procedures established
17 by the commission under this act shall be printed in an appropriate
18 manual and made available to the governor, the senate majority
19 leader, and the speaker of the house of representatives.

20 (13) The business that the commission may perform shall be
21 conducted at a public meeting held in compliance with the open
22 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

23 (14) A writing prepared, owned, used, in the possession of, or
24 retained by the commission in the performance of an official
25 function is subject to the freedom of information act, 1976 PA 442,
26 MCL 15.231 to 15.246.

27 Sec. 4. The commission shall do all of the following:

1 (a) Identify sources for grants to assist in defraying the
2 cost of researching the effects of marihuana on driving.

3 (b) Fund a research program at a public research university to
4 determine the appropriate threshold of THC bodily content to
5 provide evidence for per se impaired driving.

6 (c) Collect and analyze information regarding marihuana-
7 induced impaired driving and THC bodily content impairment
8 thresholds.

9 (d) Review and analyze research and state laws, in this state
10 and other states, relating to THC bodily content thresholds that
11 provide evidence for per se impaired driving.

12 (e) File a final report with the governor, the senate majority
13 leader, and the speaker of the house of representatives regarding
14 its activities under this act. The commission shall file the report
15 not later than July 1, 2017. The report shall include, but not be
16 limited to, the results of the commission's research program,
17 recommendations for an appropriate threshold of THC bodily content
18 to provide evidence for per se impaired driving, and
19 recommendations for further legislative action.

20 Sec. 5. (1) The impaired driving commission safety fund is
21 created within the department of treasury. The fund shall be
22 administered by the department of state police.

23 (2) Creation of the impaired driving safety commission fund is
24 contingent upon appropriation of money to the fund.

25 (3) The commission may apply for and obtain grants from any
26 source to carry out the purpose of this act. All funds received by
27 the commission are state funds and shall be appropriated as

1 provided by law.

2 (4) Money in the impaired driving safety commission fund shall
3 be expended only upon appropriation and only in a manner to carry
4 out the purpose of this act. Money remaining in the fund at the
5 close of the fiscal year shall lapse to the general fund.

6 Sec. 6. This act is repealed on the date the commission's
7 final report to the governor, the senate majority leader, and the
8 speaker of the house of representatives required under section 4 is
9 filed or on July 1, 2017, whichever occurs first.

10 Enacting section 1. This act takes effect January 1, 2016.