

Act No. 380  
Public Acts of 2020  
Approved by the Governor  
January 4, 2021  
Filed with the Secretary of State  
January 4, 2021  
EFFECTIVE DATE: October 1, 2021

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

Introduced by Reps. Yancey, Gay-Dagnogo, Stone, Lasinski, Bolden, Hood, Brenda Carter, Tyrone Carter, Hope, Whitsett, Sneller, Sabo, Warren, Sowerby, Cambensy, Clemente, Cherry, Manoogian, Kuppa, Hoadley, Guerra, Brann, O'Malley, Kahle, Wozniak, Brixie, Peterson, Meerman, Ellison, Wittenberg, Hammoud, Kennedy, Chirkun and Cynthia Johnson

## **ENROLLED HOUSE BILL No. 5851**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 7408a (MCL 333.7408a), as amended by 2012 PA 501.

*The People of the State of Michigan enact:*

Sec. 7408a. (1) Except as otherwise provided in subsection (3), before imposing sentence or entering a juvenile disposition for an attempt to violate, a conspiracy to violate, or a violation of this part or of a local ordinance that prohibits conduct prohibited under this part, the court may order the individual to undergo screening and assessment by a person or agency as designated by a department-designated community mental health entity or a community mental health services program under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. The individual shall pay for the costs of the screening and assessment services.

(2) Except as otherwise provided in subsection (3), as part of the sentence or juvenile disposition for an attempt to violate, a conspiracy to violate, or a violation of this part or of a local ordinance that prohibits conduct prohibited under this part, the court may order the individual to do 1 or both of the following:

(a) Perform service to the community for not more than 90 days. An individual ordered to perform service to the community under this subdivision shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the individual's activities in that service.

(b) Participate in and successfully complete 1 or more appropriate rehabilitative programs. The individual shall pay for the costs of the rehabilitative services.

(3) Subsections (1) and (2) do not apply to an individual who is not eligible for probation under chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1 to 771.14a.

(4) As used in this section:

(a) "Juvenile disposition" means either of the following:

(i) A finding of juvenile delinquency under 18 USC 5031 to 5043.

(ii) The entry of a judgment or order of disposition by a court of another state that states or is based on a finding that a juvenile violated a law of another state that would have been a criminal offense if committed by an adult in that state.

(b) "Law of another state" means a law or ordinance enacted by another state or by a local unit of government in another state.

Enacting section 1. This amendatory act takes effect October 1, 2021.

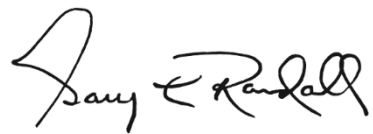
Enacting section 2. This amendatory act does not take effect unless both of the following occur:

(a) House Concurrent Resolution No. 29 of the 100th Legislature is adopted by a majority of the members elected and serving in each house of the legislature.

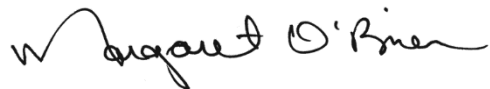
(b) The governor submits a certification to the United States Secretary of Transportation stating both of the following:

(i) The governor is opposed to the enactment or enforcement of a law requiring driver license suspension for drug offenses as set forth in 23 USC 159(a)(3)(A).

(ii) Both houses of the legislature have adopted a concurrent resolution expressing their opposition to the enactment or enforcement of this federal mandate in accordance with 23 USC 159.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor