

Legislative Analysis



"BATH SALTS" DRUG AS SCHEDULE 1

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House Bill 4565

Sponsor: Rep. Sharon Tyler

Committee: Judiciary

Complete to 5-4-11

A SUMMARY OF HOUSE BILL 4565 AS INTRODUCED 4-21-11

The bill would designate a new designer drug most commonly known as "bath salts" as a Schedule 1 drug. Schedule 1 drugs, which are considered to have a high risk of abuse and to have no legitimate medical purpose, include heroin, LSD, marijuana, MDMA (ecstasy), and methamphetamines. House Bill 4565 is identical to Senate Bill 259 as passed by the Senate.

Specifically, House Bill 4565 would amend the Public Health Code to include all of the following in the list of Schedule 1 controlled substances:

** Methylenedioxypropylamphetamine, also known as Bath Salts, MDPV, Charge Plus, Cloud Nine, Hurricane Charlie, Ivory Wave, Ocean, Red Dove, Scarface, Sonic, White Dove, and White Lightning.

** 5, 6-Methylenedioxy-2-aminoindane, also known as MDAI and Woof-Woof.

** Naphyrone (Naphthylpropylamine), also known as NRG-1 and Rave.

** Pyrovalerone (1-(4-Methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone).

Further, the bill would amend the list of drugs in Schedule 1 to refer to Mephedrone instead of Mephadrone and would include additional trade and other names for that substance, including Miaow Miaow, Bubble Love, Plant Food, Drone, and Neo Doves.

(Under current provisions of the health code, a person who engaged in unlawful conduct involving the above drugs would be subject to the following penalties:

- Manufacture/delivery/possession with intent to deliver – a felony punishable by a maximum of seven years' imprisonment and/or a fine of not more than \$10,000.
- Possession – a felony punishable by up to two years' imprisonment and/or a fine of not more than \$2,000.
- Use – a misdemeanor punishable by up to one year imprisonment and/or a fine of not more than \$1,000.)

MCL 333.7212

FISCAL IMPACT:

Data is not available to determine how many persons will be convicted of offenses related to the new substances included in the list of Schedule 1 controlled substances. To the extent that the bill increases felony and/or misdemeanor convictions related to these substances, it would increase state and/or local incarceration costs. Local incarceration costs at local jails vary by county. The average cost of incarceration in a state prison is roughly \$34,000 per prisoner per year. However, the incremental cost of adding one or more prisoners to the system can vary significantly around this average depending on the availability of open beds. Costs of parole and felony probation supervision, exclusive of the cost of electronic tether, average about \$2,100 per supervised offender per year. Any increase in penal fine revenues resulting from the bills would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.