



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



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Senate Bill 1082 (Substitute S-2 as reported)
Sponsor: Senator Dave Hildenbrand
Committee: Judiciary

CONTENT

The bill would amend the Public Health Code to make it a misdemeanor, punishable by up to 93 days' imprisonment and/or a maximum fine of \$5,000, to do either of the following:

- Sell or offer to sell a named product that previously contained an ingredient designated as a Schedule 1 controlled substance, knowing that it no longer contains that ingredient, without disclosing that the product no longer contains the ingredient.
- Sell or offer to sell any other product knowing that a named product contains or previously contained an ingredient designated as a Schedule 1 controlled substance, while representing that it contains an ingredient that produces the same or a similar physiological or psychological effect as that scheduled ingredient.

"Named product" would mean either a product having a designated brand name, or a product having a street or common name with application sufficient to identify it as a specific product within Michigan or a local unit of government.

The bill also would revise the listing of synthetic cannabinoids in Schedule 1, and add synthetic cathinones (which are sometimes referred to as "bath salts") to Schedule 1.

The bill would take effect 90 days after its enactment.

MCL 333.7212 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State and local government. There are no data to indicate how many people would be convicted of the proposed misdemeanor for selling or offering to sell a product that is misrepresented as being similar to the banned product. For those convicted, local units of government could see increased incarceration costs and/or costs of community supervision. Penal fine revenue of up to \$5,000 per violation would benefit public libraries.

Date Completed: 5-16-12

Fiscal Analyst: Dan O'Connor