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BILL ANALYSIS

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Senate Bill 504 (as introduced 6-21-11)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 6-27-11

CONTENT

The bill would amend the Michigan Medical Marihuana Act to exclude from its exemption from criminal penalties for marihuana distribution a transfer of marihuana within 1,000 feet of a clearly marked house of worship or school, unless the transfer occurred within a qualifying patient's residence.

The Act requires the Department of Licensing and Regulatory Affairs (LARA) to issue registry identification cards to qualifying patients and primary caregivers who submit certain information in accordance with the Department's rules. (Originally, the initiated law required the Department of Community Health to administer the medical marihuana program, but Executive Order 2011-4 transferred that function to LARA.) A qualifying patient or primary caregiver who has been issued and possesses a registry identification card is not subject to arrest, prosecution, or penalty for the medical use of marihuana if the amount does not exceed quantities specified in the Act and the possession and use of marihuana meet specified standards.

The Act also specifies that a registered primary caregiver may receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana, and that any such compensation does not constitute the sale of controlled substances.

Under the bill, the Act would not exempt from prosecution a transfer of marihuana that occurred less than 1,000 feet from a clearly identified church or other house of worship, or a school other than a home school, unless the transfer occurred inside the residence of a qualifying patient who had been issued and possessed a registry identification card.

(Under the Public Health Code, delivery of marihuana or a mixture containing marihuana is a felony with graduated penalties depending on the amount of the substance. For an amount less than five kilograms or fewer than 20 plants, the violation is punishable by up to four years' imprisonment and/or a maximum fine of \$2,000 (MCL 333.7401(2)(d).)

MCL 333.26424

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. To the extent that allowing prosecution for the transfer of marihuana increased drug-related convictions, the State and local units of government would incur additional costs. Local

governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an average annual cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.