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BILL ANALYSIS



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Senate Bill 526 (as introduced 9-12-19)
Sponsor: Senator Ed McBroom
Committee: Judiciary and Public Safety

Date Completed: 1-29-20

CONTENT

The bill would amend Article 7 (Controlled Substances) of the Public Health Code to classify research chemical benzodiazepines and research chemical thienodiazepines as Schedule 1 controlled substances.

Article 7 of the Code governs the manufacture, distribution, and possession of controlled substances, and prescribes a range of criminal penalties for violations. The requirements, prohibitions, and penalties depend, in part, on whether a drug is a Schedule 1, 2, 3, 4, or 5 controlled substance. Article 7 identifies specific drugs in each schedule and authorizes the Michigan Board of Pharmacy to add controlled substances to the schedules. The placement of a substance in a particular schedule depends on the drug's potential for abuse, its acceptance for medical use in treatment in the United States, and the extent to which abuse of the drug may lead to physical or psychological dependence.

Section 7212 designates certain substances as Schedule 1 controlled substances. (A Schedule 1 substance is a substance that has high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.) The bill would add research chemical benzodiazepines and research chemical thienodiazepines to those listed in Section 7212.

Under the bill, "research chemical benzodiazepines" would include any of the following compounds, derivatives, their salts, isomers, and salts of isomers, halogen analogues, and homologues, unless specifically excepted or otherwise listed as a controlled substances in Schedule 1 or in Schedules 2 through 5, when the existence of those salts, isomers, and salts of isomers, halogen analogues, and homologues is possible within the specific chemical designation or is structurally derived from 1,4-benzodiazepine by substitution at the 5-position with a phenyl ring or pyridine system, which may itself be further substituted, whether or not the compound is further modified in any of the ways specified in the bill.

"Research chemical thienodiazepines" would include any of the following compounds, derivatives, their salts, isomers, and salts of isomers, halogen analogues, and homologues, unless specifically excepted or otherwise listed as a controlled substances in Schedule 1 or in Schedules 2 through 5, when the existence of those salts, isomers, and salts of isomers, halogen analogues, and homologues is possible within the specific chemical designation or is structurally derived from 1,4-thienodiazepine by substitution at the 5-position with a phenyl ring system, which may itself be further substituted, whether or not the compound is further modified in any of the ways specified in the bill.

The bill would take effect 90 days after its enactment.

FISCAL IMPACT

The bill could have a negative fiscal impact on State and local government. There are no data available to indicate how many people would be convicted of manufacturing, delivering, or possessing a Schedule 1 drug if research chemical benzodiazepines and research chemical thienodiazepines were added to the drugs listed on the schedule. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

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