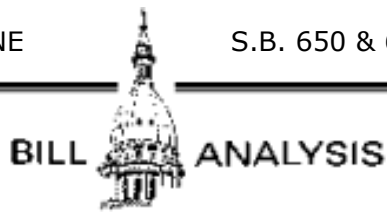




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Senate Bills 650 and 651 (as introduced 8-13-03)
Sponsor: Senator Alan L. Cropsey (Senate Bill 650)
Senator Alan Sanborn (Senate Bill 651)
Committee: Judiciary

Date Completed: 10-13-03

CONTENT

Senate Bills 650 and 651 would amend the Public Health Code and the Code of Criminal Procedure, respectively, to include pseudoephedrine in provisions that prohibit the possession of more than 10 grams of ephedrine, and in the sentencing guidelines for that felony. Senate Bill 651 is tie-barred to Senate Bill 650.

Senate Bill 650

The Public Health Code prohibits a person from possessing more than 10 grams of ephedrine, alone or in a mixture. A violation is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000. The bill would include possession of more than 10 grams of pseudoephedrine in that provision.

The violation does not apply to any of the following:

- A person who possesses ephedrine pursuant to a license issued by the State or the United States to manufacture, deliver, dispense, possess with intent to manufacture or deliver, or possess a controlled substance, prescription drug, or other drug.
- A person who possesses ephedrine for retail sale pursuant to a sales tax license.
- A person who possesses ephedrine in the course of his or her business of selling or transporting ephedrine to a person described above.
- A person who, in the course of his or her business, stores ephedrine for sale or distribution to a person described above.
- An individual who possesses ephedrine pursuant to a prescription.

The bill would include pseudoephedrine in those exceptions.

Senate Bill 651

Possession of more than 10 grams of ephedrine is listed in the sentencing guidelines as a Class G controlled substances felony with a statutory maximum penalty of two years' imprisonment. The bill would include pseudoephedrine in that provision.

MCL 333.17766c (S.B. 650)
777.13n (S.B. 651)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bills 650 and 651 would have an indeterminate fiscal impact on State and local government.

According to the Department of Corrections Statistical Report, in 2001 no offenders were convicted of possessing more than 10 grams of ephedrine. There are no data to indicate whether adding possession of more than 10 grams of pseudoephedrine to this offense would increase the number of convicted offenders. Offenders would receive a sentencing guidelines minimum sentence range from 0-3 months to 7-16 months. Because the longest allowable minimum sentence would be less than 18 months, offenders would likely receive probation or incarceration in a local facility. The State would incur the cost of felony probation at an average annual cost of \$1,750, while local units of government would incur the cost of incarceration, which varies by county.

Public libraries would benefit from any additional penal fine revenue raised due to the proposed changes.

Fiscal Analyst: Bethany Wicksall

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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.