



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4843 (as reported without amendment)
Sponsor: Representative Al Pscholka
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Public Health Code to exempt a person under 21 years of age from prohibitions against possessing and using certain prescription drugs, if he or she sought medical assistance or accompanied another person who sought assistance for a drug overdose or other perceived medical emergency. The exemptions would apply to an incident arising from the use of a prescription drug that was a controlled substance or controlled substance analogue that the person possessed in an amount sufficient only for personal use and if evidence of the violation were obtained as a result of the individual's seeking or being presented for medical assistance.

The proposed exemptions would not prevent the investigation, arrest, charging, or prosecution of a person for any other violation of law or be grounds for suppression of evidence in the prosecution of any other criminal charges.

The bill also would require a health facility or agency to develop a process for notification of the parent or parents, guardian, or custodian of a minor under the age of 18 who was not emancipated and who voluntarily presented himself or herself, or was presented by another person if he or she were incapacitated, to a health facility or agency for emergency medical treatment, as described above. A health facility or agency could not notify a parent, guardian, or custodian of nonemergency treatment without obtaining the minor's consent.

The bill would take effect 90 days after its enactment.

MCL 333.7403 & 333.7404

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a positive fiscal impact on State and local government, although the magnitude of the impact would depend on the number of people under 21 years old who would no longer be charged. A decrease in misdemeanor and felony arrests could free up resource demands on law enforcement, court systems, community supervision, and jails and prisons. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the reduced intake of prisoners reduced the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year. Any associated decrease in fine revenue would reduce revenue to public libraries.

Date Completed: 11-5-15

Fiscal Analyst: Ryan Berganz

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Bill Analysis @ www.senate.michigan.gov/sfa

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