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## BILL ANALYSIS

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Senate Bill 535 (as introduced 5-25-05)  
Sponsor: Senator Ron Jelinek  
Committee: Families and Human Services

Date Completed: 3-14-06

**CONTENT**

**The bill would amend the Child Custody Act to include evidence of a party's controlled substance abuse, or commission of a controlled substance offense, among the factors a court must consider in determining the best interests of a child.**

Under the Act, the best interests of a child control in a child custody dispute between the parents, between agencies, or between third parties. The Act also requires parenting time to be granted in accordance with the best interests of the child. "Best interests of the child" refers to the sum total of specified factors to be considered, evaluated, and determined by the court.

The moral fitness of the parties involved is one of the "best interests" factors listed in the Act. Under the bill, this factor would include evidence of controlled substance abuse or commission of a controlled substance offense.

The bill would define "controlled substance abuse" as either the frequent and routine consumption of a controlled substance in an amount exceeding the dosage recommended by the prescriber, or the recent consumption of a controlled substance for which the user had no prescription or for which no prescription is available.

"Controlled substance" would mean that term as defined in the Public Health Code, i.e., a drug, substance, or immediate precursor included in Schedules 1 to 5 of Part 72 of the Code. (Part 72 requires the Michigan Board of Pharmacy to place a substance in Schedule 1, 2, 3, 4, or 5 based upon the substance's potential for abuse; its accepted use in treatment in the United States or accepted safety for use in treatment; and whether its abuse may lead to psychological or physical dependence. Part 72 also includes specific substances in each schedule. An "immediate precursor" is a substance that is the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance.)

"Controlled substance offense" would mean a violation of Part 74 of the Code. (Part 74 prescribes criminal penalties for the unlawful manufacture, delivery, possession with intent to deliver, or possession of controlled substances and controlled substance analogues; the sale of drug paraphernalia; and certain violations by people licensed to manufacture, distribute, prescribe, and dispense controlled substances.)

MCL 722.23

Legislative Analyst: Suzanne Lowe

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

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