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BILL



ANALYSIS

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Senate Bill 1014 (as passed by the Senate)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 9-28-16

CONTENT

The bill would amend the Administrative Procedures Act to exclude from the definition of "rule" a rule or order issued before January 1, 2017, under authority granted by the Medical Marihuana Facilities Licensing Act.

The bill is tie-barred to House Bill 4209 (Public Act 281 of 2016), which enacts the Medical Marihuana Facility Licensing Act, effective December 20, 2016. Among other things, the Act requires the Department of Licensing and Regulatory Affairs, in consultation with a new Medical Marihuana Licensing Board, to promulgate rules and emergency rules as necessary to implement, administer, and enforce the Act. The rules must establish specific restrictions, standards, procedures, and requirements set forth in the Act. The Act also contains a legislative finding regarding the need to promulgate emergency rules.

Senate Bill 1014 would take effect 90 days after its enactment.

(The Administrative Procedures Act sets out the process for a State agency to adopt, or "promulgate", administrative rules, which generally are regulations that implement or apply law enforced by the agency. The process involves a series of steps that begin when an agency submits a request for rule-making to Office of Performance and Transformation (OPT), and concludes when the OPT files the rule with the Secretary of State. During the process, various notice, certification, and public hearing requirements must be met, the agency proposing the rule must prepare certain regulatory impact statements, and the proposed rule must be submitted to the legislative Joint Committee on Administrative Rules. The Committee may object to the rule on specific grounds within 15 legislative session days. If it does object, legislation must be introduced to prevent the rule from taking effect or delay its effective date. If the legislation is not enacted, the OPT may file the rule with the Secretary of State.)

MCL 24.207

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

Fiscal Analyst: Joe Carrasco
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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.