

MARIHUANA-INFUSED ALCOHOL

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<http://www.house.mi.gov/hfa>

Senate Bill 969 (S-1) as passed by the Senate

Sponsor: Sen. Rick Jones

House Committee: Regulatory Reform

Senate Committee: Regulatory Reform

Complete to 6-5-18

Analysis available at

<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 969 would add a new section to the Michigan Liquor Control Code to prohibit a person from using or offering for use, possessing, or selling or offering for sale *marihuana-infused beer, wine, mixed wine drink, mixed spirit drink, or spirits*.

Marihuana-infused beer, wine, mixed wine drink, mixed spirit drink, or spirits would mean beer, wine, mixed wine drink, mixed spirit drink, or spirits that contain any amount of *marihuana*.

Marihuana would mean that term as defined in the Public Health Code.

A violation of the proposed new section, regardless of whether the person violating the section is or is not a licensee, would be a misdemeanor punishable as provided in Section 909 of the Code. The misdemeanor punishment for a licensee under Section 909 is imprisonment for up to 6 months or a fine of up to \$500, or both. Section 909 does not specifically prescribe the punishment for a misdemeanor violation committed by a nonlicensee. In such a circumstance, Section 504 of the Michigan Penal Code designates the penalty as imprisonment for up to 90 days or a fine of up to \$500, or both. [Note: A 90-day misdemeanor does not trigger a search of the national fingerprint database or provide a mechanism to track repeat offenses.]

Further, the bill would exempt the following entities from the prohibitions regarding marihuana-infused alcohol:

- A hospital that operates primarily for the purpose of conducting scientific research.
- A state institution conducting bona fide research.
- A private college or university conducting bona fide research.
- A pharmaceutical company or biotechnology company conducting bona fide research.

Proposed MCL 436.1914b

FISCAL IMPACT:

Senate Bill 969 would have an indeterminate fiscal impact on local units of government. Information is not available on the number of persons that might be convicted under provisions of the bill. New misdemeanor convictions would increase costs related to county

jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.