

Legislative Analysis



MIP REVISIONS: MEDICAL AMNESTY

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House Bill 4393

Sponsor: Rep. Anthony G. Forlini

Committee: Judiciary

Complete to 1-18-12

A SUMMARY OF HOUSE BILL 4393 AS INTRODUCED 3-8-11

The bill would exempt a minor from the criminal sanctions for underage drinking under certain conditions.

Currently, it is a misdemeanor for a person less than 21 years of age to consume, purchase, or possess alcohol (or attempt to do the same) or to have any bodily alcohol content. The penalty for a conviction or juvenile adjudication can include a fine (up to \$100 for a first offense, \$200 for a second offense, and \$500 for a third or subsequent offense), community service, substance abuse prevention or treatment and rehabilitation services, and/or substance abuse screening and assessment (at the offender's own cost). A person convicted of a repeat offense can go to jail for a violation of probation conditions.

House Bill 4876 would amend the Michigan Liquor Control Code to exempt certain minors meeting specified criteria from sanctions under the minor in possession (MIP) law. Specifically, the following minors would not be in violation of the MIP law:

- A minor who had consumed alcohol and who presents himself or herself to a health facility or agency for treatment or for observation.
- Any minor who accompanies an individual who has consumed alcohol and who voluntarily presents himself or herself to a health facility or agency for treatment or observation.
- A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance.

The Public Health Code defines "health facility or agency" to mean, among other things, an ambulance operation, medical first response service, hospital, an HMO, and a county medical care facility. "Emergency medical services personnel" means a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator.

The bill would also make numerous revisions of an editorial or technical nature.

MCL 436.1703

BACKGROUND INFORMATION:

House Bill 4393 is nearly identical to House Bill 4876 of the 2009-2010 legislative session. That bill was passed by the House but failed to see Senate action.

FISCAL IMPACT:

This bill would not have a significant fiscal impact on state or local governments. Fewer minors would be prosecuted for underage alcohol use, though the exact number of cases that would qualify for this new exception is not known. Due to the reduced number of violations, collection of fine revenue and court case loads would decrease by an indeterminate (but likely small) amount. Fine revenue that is not collected would have been distributed to public and county law libraries.

To the extent that the bill barred misdemeanor prosecutions that otherwise would have gone forward, local units of government could avoid the costs of misdemeanor sanctions, which could include misdemeanor probation supervision and local jail sentences. Any impacts are likely to be negligible.

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