

Fiscal Analysis

STATUTORY BLOOD ALCOHOL "PER SE" OFFENSE FOR HEALTH CARE PROFESSIONS



Bill/Sponsor **HOUSE BILL 4655 as introduced**, Rep. Gary Newell
HOUSE BILL 4656 as introduced, Rep. Gary Newell

House Committee Health Policy

Analysis **Summary**
House Bills 4655 and 4656 would amend the Public Health Code and the Michigan Penal Code, respectively, to establish penalties for a health care professional who provides health care while having a blood alcohol content of .08 grams or more per 100 milliliters of blood. **House Bill 4656** would institute the .08 "per se" language in place of current language that prohibits a "physician or other person" from prescribing medication while "in a state of intoxication." The offense would continue to be a misdemeanor punishable by imprisonment for up to one year, a fine of up to \$1,000, or both. **House Bill 4655** would make conviction of the misdemeanor grounds for professional disciplinary action, namely one or more of the following: license or registration denial, revocation, suspension, or limitation, community service, or fine.

Fiscal Impact
The bills would have no fiscal impact on the Department of Corrections, and would have an indeterminate impact on local units of government. If HB 4656 made it more likely that misdemeanor convictions were obtained, it could increase local correctional costs and/or increase collections of fines. There would be no fiscal impact on the Department of Consumer and Industry Services with regard to HB 4655.

Analyst(s)
Steve Stauff
Marilyn Peterson

COMMITTEE ANALYSIS - 6/30/03

Mitchell Bean, Director – House Fiscal Agency
124 N. Capitol Avenue, Lansing, MI 48909
Phone: (517)373-8080, Fax: (517)373-5874
<http://www.house.mi.gov/hfa>