

## **SYNTHETIC MARIHUANA: PENALTIES**

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**Senate Bill 1175 as introduced**  
**(Reported from House committee without amendment)**  
**Sponsor: Sen. Rick Jones**

Analysis available at  
<http://www.legislature.mi.gov>

**Senate Bill 1176 as introduced**  
**(Reported from committee without amendment)**  
**Sponsor: Sen. Mike Shirkey**

**House Committee: Judiciary**  
**Senate Committee: Judiciary**  
**Complete to 12-13-16**

### **SUMMARY:**

Senate Bill 1175 amends the Public Health Code (MCL 333.7401). The bill applies to conduct involving synthetic forms of marihuana the same prohibition and criminal penalties currently in place for the manufacture, creation, delivery, or possession with intent to manufacture or deliver marihuana or mixtures containing marihuana.

Section 7212(1)(d) of the code lists synthetic marihuana as a Schedule 1 drug and describes it as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of cannabis and synthetic substances, derivatives, and their isomers with similar chemical structure or pharmacological activity, or both, such as the following:

- $\Delta^1$  cis or trans tetrahydrocannabinol, and their optical isomers.
- $\Delta^6$  cis or trans tetrahydrocannabinol, and their optical isomers.
- $\Delta^{3,4}$ , cis or trans tetrahydrocannabinol, and their optical isomers.

The penalties that currently apply to marihuana and mixtures containing marihuana that, under the bill, will also apply to synthetic marihuana are as follows:

- ❖ For an amount of 45 kilograms or more, or 200 plants or more—a maximum of 15 years imprisonment and/or a maximum fine of \$10 million.
- ❖ For an amount of 5-44 kilograms, or 20-199 plants—a maximum of 7 years imprisonment and/or a maximum fine of \$500,000.
- ❖ For an amount that is less than 5 kilograms or fewer than 20 plants—a maximum of 4 years imprisonment and/or a maximum fine of \$20,000.

The bill takes effect 90 days after enactment.

**Senate Bill 1176** amends the Code of Criminal Procedures (MCL 777.13m). The bill includes a reference to "certain synthetic equivalents" of marihuana in provisions of the sentencing guidelines that currently specify the statutory maximum term of imprisonment for the manufacture, delivery, or possession with the intent to manufacture or deliver marihuana or mixtures containing marihuana. The bill takes effect 90 days after enactment.

**FISCAL IMPACT:**

Senate Bill 1175: The bill would have an indeterminate fiscal impact on the state's correctional system and on local court systems. Information is not available on the number of persons that might be convicted under the provisions of the bill, but new felony convictions would result in increased costs related to state prisons and state probation supervision. The average cost of prison incarceration in a state facility is roughly \$34,900 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,400 per supervised offender per year. The fiscal impact on local court systems would depend on how the 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.

Senate Bill 1176 amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

**POSITIONS:**

A representative of the Prosecuting Attorneys Association of Michigan testified in support of the bills. (12-6-16)

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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.