

# HOUSE BILL No. 5945

June 29, 1990, Introduced by Reps. DeBeaussiaert, Niederstadt, DeMars, Bennett, Hart, Webb, Gire and Stupak and referred to the Committee on Judiciary.

A bill to create the substance abuse prevention and education fund; to provide for expenditures from the fund; to prescribe the powers and duties of certain state and local agencies; and to provide remedies.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Administrator" means the administrator of the office of  
3 substance abuse services appointed under section 6201 of the  
4 public health code, Act No. 368 of the Public Acts of 1978, being  
5 section 333.6201 of the Michigan Compiled Laws.

6       (b) "Controlled substance" means that term as defined in  
7 section 7104 of the public health code, Act No. 368 of the Public  
8 Acts of 1978, being section 333.7104 of the Michigan Compiled  
9 Laws.

1 (c) "Fund" means the substance abuse prevention and  
2 education fund created in section 2.

3 (d) "Substance abuse prevention services" means that term as  
4 defined in section 6107 of the public health code, Act No. 368 of  
5 the Public Acts of 1978, being section 333.6107 of the Michigan  
6 Compiled Laws.

7 (e) "Substance abuse treatment and rehabilitation services"  
8 means that term as defined in section 6107 of Act No. 368 of the  
9 Public Acts of 1978.

10 Sec. 2. The substance abuse prevention and education fund  
11 is created as a separate fund in the state treasury. Money in  
12 the fund shall be expended only as provided in this act. The  
13 state treasurer shall credit to the fund all amounts received  
14 under section 6. The state treasurer shall invest fund money in  
15 the same manner as surplus funds are invested under section 3 of  
16 Act No. 105 of the Public Acts of 1855, being section 21.143 of  
17 the Michigan Compiled Laws. Earnings from the fund shall be  
18 credited to the fund.

19 Sec. 3. A governmental entity or an entity exempt from tax-  
20 ation under section 501(c)(3) of the internal revenue code that  
21 provides substance abuse prevention services or substance abuse  
22 treatment and rehabilitation services may apply to the office of  
23 substance abuse services for 1 or more grants to provide sub-  
24 stance abuse prevention services or substance abuse treatment and  
25 rehabilitation services. Each application shall be on a form  
26 provided by the office of substance abuse services.

1       Sec. 4. The administrator shall direct and authorize the  
2 state treasurer, in writing, to disburse money from the fund as  
3 grants to governmental entities and entities exempt from taxation  
4 under section 501(c)(3) of the internal revenue code that prop-  
5 erly apply under section 3, to pay for substance abuse prevention  
6 services and substance abuse treatment and rehabilitation  
7 services.

8       Sec. 5. An entity that receives a distribution under  
9 section 4 shall use that distribution to enhance and increase  
10 substance abuse prevention services and substance abuse treatment  
11 and rehabilitation services, and not to supplant local, federal,  
12 and other state funds that are available for providing substance  
13 abuse prevention services and substance abuse treatment and reha-  
14 bilitation services.

15       Sec. 6. (1) Except as provided in subsection (2), a person  
16 who is convicted of manufacturing, delivering, possessing with  
17 intent to manufacture or deliver, dispensing, prescribing, admin-  
18 istering, using, or possessing a controlled substance in viola-  
19 tion of a law of this state or of a local ordinance, or attempt-  
20 ing to manufacture, deliver, possess with intent to manufacture  
21 or deliver, dispense, prescribe, administer, use, or possess a  
22 controlled substance in violation of a law of this state or of a  
23 local ordinance is responsible for a civil violation and shall be  
24 fined \$500.00.

25       (2) If the person has not previously been convicted of a  
26 crime described in subsection (1) and the person agrees to  
27 undergo screening and assessment by a person or agency licensed

1 by the office of substance abuse services and approved by the  
2 court and, if recommended, to enter and successfully complete a  
3 substance abuse treatment and rehabilitation program approved by  
4 the court, the court may defer imposition of the fine pending  
5 that screening and assessment and, if recommended, successful  
6 completion of the substance abuse treatment and rehabilitation  
7 program. The costs of the screening and assessment and of the  
8 substance abuse treatment and rehabilitation program shall be  
9 paid by the person. If the person successfully completes the  
10 screening and assessment and, if recommended, the substance abuse  
11 treatment and rehabilitation program, the court shall reduce the  
12 fine that may be imposed under subsection (1) by the amount paid  
13 by the person for the screening and assessment and for the sub-  
14 stance abuse treatment and rehabilitation program. If the person  
15 fails or refuses to undergo the screening and assessment or to  
16 successfully complete the substance abuse treatment and rehabili-  
17 tation program, the court shall immediately impose the fine pro-  
18 vided for under subsection (1).

19 (3) The attorney general or the prosecuting attorney for a  
20 city, village, township, or county may bring a civil action in a  
21 court of proper jurisdiction to recover the civil fine provided  
22 for under subsection (1).

23 (4) The court shall forward civil fines collected pursuant  
24 to subsection (1) to the state treasurer for deposit in the sub-  
25 stance abuse prevention and education fund. The court shall pro-  
26 vide a written report of the distribution to the department of  
27 treasury as prescribed by the department of treasury.