

Legislative Analysis



METHAMPHETAMINE REPORTING ACT

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5841 (Substitute H-2)
Sponsor: Rep. Tonya Schuitmaker

House Bill 5846 (Substitute H-2)
Sponsor: Rep. Darwin Booher
Committee: Judiciary

Complete to 4-17-06

A SUMMARY OF HOUSE BILLS 5841 & 5846 AS REPORTED FROM HOUSE COMMITTEE

House Bill 5841 would create a new act to be known as the Methamphetamine Reporting Act. House Bill 5846 would create another new act related to House Bill 5841, to prescribe the duties of the Departments of State Police and Community Health with respect to illegal drug manufacturing laboratories.

Under House Bill 5841, the Department of State Police would be required to compile information about methamphetamine manufacture, use, possession, and distribution in Michigan. The information would be obtained from the department itself; the departments of Community Health, Human Services, Natural Resources, and Corrections; and from each local police agency. (A local police agency would include the police department of a city, village, or township; the county sheriff; and the police department or public safety department of a hospital, community college, college, or university.)

The bill requires the Department of State Police and each group listed above to provide information regarding all of the following:

- the name and address of the reporting entity.
- whether the incident involved primarily the manufacture, possession, use, or distribution of methamphetamine.
- the city, village, or township and the county in which the incident occurred.
- whether the incident resulted in a criminal prosecution and, if so, the outcome of the prosecution (if known).
- whether any individual involved was being treated or otherwise counseled for methamphetamine use.
- whether an individual less than 18 years of age was present at the scene when the incident took place.

- whether the violation cause the contamination of a natural resource and, if so, the agencies involved in the cleanup, as well as the cost or expected cost of the cleanup to each agency involved.

The bill specifies that the department would have to implement procedures to avoid the duplication of information. Information would be submitted in the manner required by the department. The bill would not require or authorize the disclosure of information that was privileged or otherwise restricted by law.

Generally, information submitted to the department by a state or local department or agency would be confidential, and would not be subject to disclosure under the Freedom of Information Act.

Under the bill, the Department of State Police would be required to file a written report, not later than January 1 of each year, with the Secretary of the Senate and the Clerk of the House of Representatives. The report would identify trends in methamphetamine manufacture, use, and distribution in Michigan, and make recommendations to the legislature regarding possible solutions to those problems. A copy of the report would have to be available to the public on the department's website.

The State Police would also be required to provide information obtained under the new act to the U.S. Department of Justice, or an entity designated to receive the information by the DOJ, for the purpose of obtaining federal funds.

The bill specifies that the department could promulgate rules under the Administrative Procedures Act to implement this legislation.

House Bill 5846 would require the State Police to transmit to the Department of Community Health information obtained under the Methamphetamine Reporting Act (created by House Bill 5841) regarding of the discovery of a methamphetamine laboratory. The Department of Community Health would have to post on its Internet website the location of the methamphetamine laboratory and the name of the law enforcement agency or other agency that had reported the lab's existence.

The information posted would have to be kept current and include a statement as to whether or not the remediation of each laboratory site had been completed according to standards established by the Department of Community Health.

House Bill 5841 would take effect October 1, 2006. House Bill 5846 would take effect January 1, 2007. The bills are tie-barred to one another, meaning neither could take effect unless both were enacted into law.

BACKGROUND INFORMATION:

According to committee testimony, the purpose of House Bill 5841 is to acquire uniform and accurate statistics on the prevalence of methamphetamine-related offenses, including

the definition and prevalence of methamphetamine labs. House Bill 5846 was described as a consumer protection measure that will identify sites of methamphetamine production and inform the public when sites have been cleaned up.

FISCAL IMPACT:

House Bill 5841 would have an indeterminate impact on state and local governments.

House Bill 5846 (H-2) has fiscal implications for the Department of Community Health to establish and maintain an Internet accessible database of methamphetamine laboratory seizures and track and post the status of subsequent remediation of each laboratory site. This task may require additional staffing with an approximate annual cost for a program specialist position of \$90-\$100,000. The Department of Community Health indicated to the standing committee an initial estimate of \$250,000 of additional costs to the Department to implement the provisions of House Bill 5846. The Department of State Police indicates that in 2005, 261 methamphetamine laboratories were seized.

POSITIONS:

The Michigan State Police indicated support for House Bill 5841, but noted it would require additional personnel. (3-29-06)

The Michigan Association of Counties indicated support for House Bill 5841. (3-29-06)

The Department of Community Health indicated support for House Bill 5846, but indicated that additional funding would be required. (3-29-06)

Legislative Analysts: Chris Couch
J. Hunault
Fiscal Analyst: Jan Wisniewski

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