



Senate Fiscal Agency  
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Lansing, Michigan 48909-7536

BILL



ANALYSIS

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Senate Bill 353 (Substitute S-3 as reported by the Committee of the Whole)  
Sponsor: Senator Dave Robertson  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Vehicle Code to do all of the following:

- Prohibit a person from operating a vehicle while under the influence (OUI) of any intoxicating substance.
- Prohibit a person from operating a vehicle while impaired (OWI) due to the consumption of any intoxicating substance.
- Prohibit a person from allowing a vehicle to be operated by a person who was under the influence of, or visibly impaired by the consumption of, any intoxicating substance.
- Require a jury or court to make a finding as to whether a person charged with OUI or OWI was under the influence of an intoxicating substance or a combination of alcohol, a controlled substance, or another intoxicating substance.

"Intoxicating substance" would mean any substance, preparation, or combination of substances and preparations, other than alcohol or a controlled substance, that is recognized as a drug in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them. The term also would include a substance, other than food, taken into a person's body, including vapors or fumes, that is used in a manner or for a purpose for which it was not intended, and that may result in a condition of intoxication that negatively affects the person's ability to operate a motor vehicle.

MCL 257.625

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the inclusion of any other intoxicating substance led to an increase in OUI or OWI convictions, both the State and local units of government could incur additional costs. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 11-29-12

Fiscal Analyst: Dan O'Connor