



Senate Fiscal Agency  
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BILL



ANALYSIS

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House Bill 4853 (Substitute H-1 as passed by the House)  
Sponsor: Representative Ed McBroom  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 6-11-12

### **CONTENT**

**The bill would amend the Code of Criminal Procedure to include a violation of the Michigan Medical Marihuana Act (MMMA) in the sentencing guidelines.**

Under the MMMA, a registered qualifying patient or registered primary caregiver who sells marihuana to someone who is not allowed to use marihuana for medical purposes under the Act must have his or her registry identification card revoked and is guilty of a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000. The penalty is in addition to any other penalties for the distribution of marihuana.

Under the bill, selling marihuana in violation of registry identification card restrictions would be included in the sentencing guidelines as a Class G felony against the public trust, with a statutory maximum sentence of two years' imprisonment.

(The MMMA defines "qualifying patient" as a person who has been diagnosed by a physician as having a debilitating medical condition, which qualifies him or her for a registry identification card authorizing the possession and use of certain amounts of marihuana. "Primary caregiver" means a person who is at least 21 and has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, which qualifies him or her for a registry identification card authorizing the possession of certain amounts of marihuana.)

MCL 777.13n

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.