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BILL



ANALYSIS

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House Bill 5372 (Substitute H-2 as passed by the House)
Sponsor: Representative Joseph N. Bellino, Jr.
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 12-10-18

CONTENT

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

- **Require a court to order a person who had two or more prior drunk driving-related convictions to undergo an assessment to determine if he or she had a diagnosis for alcohol dependence and would benefit from medication-assisted treatment (MAT).**
- **Allow a person to request an independent assessment, and require a court to grant the request.**
- **Allow a person to refuse MAT.**
- **Require a person to pay for the costs of a screening, assessment, or assessments, and rehabilitative services if no other identified funding source were available.**

The bill would take effect 90 days after its enactment.

Under the Code, before imposing sentence for certain intoxicated or impaired driving violations, a court must order the person to undergo screening and assessment by a person or agency designated by the Office of Substance Abuse Services to determine whether the offender is likely to benefit from rehabilitative services, including alcohol or drug treatment programs. A court may order the person to participate in and successfully complete one or more appropriate rehabilitative programs as part of a sentence.

If a person was convicted for operating a motor vehicle while intoxicated, and he or she had an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, a court must order the person to participate in and successfully complete one or more appropriate rehabilitative programs as part of the sentence, including an alcohol treatment program or a self-help program for a period of at least one year. The treatment plan must be devised from an assessment performed by appropriately licensed alcohol assessor and approved by the court.

Under the bill, if the person had two or more prior convictions, a court would have to order the person to undergo an assessment that used a standardized evidence-based instrument performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she had a diagnosis for alcohol dependence and likely would benefit from a Food and Drug Administration (FDA)-approved MAT that was indicated for the treatment of alcohol dependence, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. "Other licensed

or certified substance use disorder professional" would mean an individual or organization licensed or credentialed in the State to treat substance use disorders, including individual certified by the Michigan Certification Board for Addiction Professionals and individual who have training in providing assessments for alcohol dependency.

A person could request an independent assessment that used a standardized evidence-based instrument, and that was performed by a provider or other licensed or certified substance use disorder professional to determine whether he or she had a diagnosis for alcohol dependence and likely would benefit from an FDA-approved MAT.

A court would have to grant a request for an independent assessment and would have to consider the results of that independent assessment along with the assessment conducted to determine if the court would refer the person to a rehabilitative program that offered one or more forms of FDA-approved medications for the treatment of alcohol dependence.

Only a provider could recommend that a person take MAT. A person would maintain the right to refuse ingestion or injection of medication. Only a provider could determine the type, dosage, and duration of the MAT. If the person refused to take the MAT, the court could not hold that person in contempt. "Provider" would mean an individual with prescribing authority under the Public Health Code who regularly communicates with the treatment team during a defendant's recovery, and who has training or expertise that demonstrates the provider's ability to treat and manage patients with alcohol dependency.

The Act requires a person to pay for the costs of a screening, assessment, and rehabilitative services. Under the bill, a person would have to pay for the costs of a screening, assessment, or assessments, as applicable, and court-ordered rehabilitative services *if* no other identified funding source were available.

MCL 257.625b

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State and local government. Under current law, individuals are required to pay for costs related to the screening, assessment, and rehabilitative substance abuse services. The bill would allow for an "identified funding source" to cover these costs, however, it is unclear what that fund source would be. Absent an identified fund source, individuals would be required to cover all costs related to screenings, assessments, and rehabilitative substance abuse services.

Fiscal Analyst: Abbey Frazier

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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.