

Legislative Analysis



EXPANSION OF DRUG FREE SCHOOL AND PARK ZONES: POSSESSION OF DRUGS, INCLUDING STEROIDS

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House Bill 4594 (Substitute H-1)
Sponsor: Rep. Leslie Mortimer

House Bill 4595 (Substitute H-1)
Sponsor: Rep. Richard Ball

House Bill 4596 as introduced
Sponsor: Rep. Bill Caul

Committee: Health Policy
First Analysis (4-28-05)

BRIEF SUMMARY: The bills amend various acts to prohibit the possession of certain controlled substances (including anabolic steroids) within 1,000 feet of a school or a park and to place the two-year maximum term of imprisonment for possession of a controlled substance within the drug-free zone of a park within the corresponding section of the sentencing guidelines.

FISCAL IMPACT: To the extent that additional felony convictions were obtained under the bills, or that longer sentences were imposed, the bills could increase state and local correctional costs. Costs of any jail time imposed would fall upon counties; jail costs vary by county. Appropriated costs of incarceration in a state correctional facility average about \$29,000 per prisoner per year. Costs of felony probation supervision are a state responsibility and average about \$1,977 per offender per year.

THE APPARENT PROBLEM:

Research studies reveal that use of anabolic steroids has been steadily increasing since the early 1990s. Once associated with professional athletes, these potentially dangerous substances are increasingly used by amateur athletes and even high school and middle school students to increase athletic performance. Recently, House Bill 4118 was reported from the Education Committee to require public schools to make use of performance enhancing substances a violation that would affect a student's eligibility to participate in school sports.

Some feel, however, that the laws need to do more in order to protect students and other athletes from easy access to steroids and other controlled substances. Under current law, an enhanced penalty can be imposed on an adult convicted of delivering or distributing (or possessing with intent to deliver) controlled substances and other illegal drugs either on school property or in a public or private park or within 1,000 feet of the park or school property (drug free zone). However, an enhanced penalty for possession of these substances only applies to possession on school or park grounds. Legislation is being offered to expand the enhanced penalties to include possession of the specified substances (which include anabolic steroids) within school and park drug free zones.

THE CONTENT OF THE BILLS:

The legislation would prohibit a person 18 years and older from possessing certain controlled substances within 1,000 feet of school property or a public or private park.

House Bill 4594 would amend the Public Health Code (MCL 333.7410) to prohibit an individual 18 years of age or older from possessing certain substances on or within 1,000 feet of school property. "School property" is defined by the code as a building, playing field, or property used for school purposes to impart instruction to children in grades K-12 and includes a public, private, denominational, or parochial school. "School property" does not include those buildings used primarily for adult education or college extension courses.

The substances that the bill would apply to pertain to violations involving gamma-butyrolactone (GBL), less than 25 grams of Schedule 1 or 2 narcotics and cocaine, ecstasy, methamphetamine, Schedule 1, 2, 3, and 4 drugs (anabolic steroids are a Schedule 3 drug), hallucinogens such as LSD and peyote, and marijuana.

A violation would be punishable the same as for possession on school or park property: a term of imprisonment or a fine, or both, that was not more than twice that authorized under the code for violations involving the substances listed previously. Terms of imprisonment for these offenses range from not more than one year to ten years. Fines range up to \$25,000 depending on the charge.

House Bill 4595 would amend the Public Health Code (MCL 333.7410a) to prohibit a person aged 18 years or older from possessing the same controlled substances detailed above either in or within 1,000 feet of a public or private park as defined in the code. The same penalty for possessing one of these substances in a park would be applied to possession within the drug free zone - a possible term of imprisonment of not more than two years. This is in addition to the term of imprisonment authorized under the code and detailed above for possession of these substances.

House Bill 4596 is a companion to House Bill 4595 and is tie-barred to that bill. It would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.18) to specify that a controlled substance offense or offense involving GBL in or near a public park or private park would have a statutory maximum term of imprisonment of two years.

BACKGROUND INFORMATION:

The bills, along with House Bill 4118, were introduced to address the problem associated with an increased use of anabolic steroids by school-age children. Though anabolic steroids do have a limited medical use, such as treating patients afflicted with muscle wasting diseases, they are generally associated with use by athletes to improve athletic performance.

Anabolic steroids are synthetic male hormones (testosterone) that may be taken in pill form, injected, or applied topically (with creams or patches). There are more than 100 types of anabolic steroids in use. Use of anabolic steroids increase protein production and so can increase body weight and muscle mass, thereby improving muscle strength and endurance. However, the drugs have serious short-and long-term side effects which include acne on the face and back, depression, aggressive behavior ("roid" rage), paranoia, liver abnormalities, strokes, tumors, heart attacks, and in youths, premature fusing of bones (which can result in shortened height). In males, steroid use can cause sterility, impotence, and shrunken genitals. In females, steroids cause a menstrual irregularities, stunted growth, and smaller breasts.

Long associated with attempts to increase physical size, strength, and endurance, researchers now see a trend by young women to use steroids for weight control and body fat reduction. According to an Associated Press article entitled "Girls are abusing steroids too – often to get that toned look" printed in the April 26, 2005 edition of the Detroit News, "researchers say youngsters generally get illegal anabolic steroids on the black market from relatives or friends, from the local gym and over the Internet."

ARGUMENTS:

For:

The law already provides for an enhanced sentence for certain drug violations that take place on or near schools and parks. However, these enhanced penalties do not apply to violations involving simple possession that take place in a school's or park's drug free zone – an area that stretches 1,000 feet in all directions from the border of the school or park. In light of the increasing use of anabolic steroids by students, many feel it is important to take every step to make it harder for students (and others) to access these and other drugs for illicit use on or near school grounds. Since many school and community sports events take place in public and private parks, it is also advisable to extend the enhanced penalties for violations involving possession of these drugs to include park drug free zones.

POSITIONS:

A representative of the Michigan Department of Community Health indicated support for the bills. (4-26-05)

A representative of the Michigan Pharmacists Association indicated support for the bills. (4-26-05)

A representative of the Michigan State Police indicated support for the House Bills 4594 and 4595.

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■ 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.