



# LEGAL UPDATE

MICHIGAN STATE POLICE  
TRAINING DIVISION

(517) 322-6704



***New law prohibits the sale of Nitrous Oxide as a recreational drug. (MCL 752.273 & add section 2a). P.A. 299 of 2000.***

A person shall not sell or otherwise distribute to another person any device that contains any quantity of nitrous oxide (also known as laughing gas) for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system. Law targets novelty "head" shops, making it more difficult for persons to obtain the gas for recreational use.

Exemptions: Persons who sell or distribute catering supplies, persons who sell compressed gases for industrial or medical use, pharmacists or health care professionals and persons licensed under the Food Processing Act of 1977.

- First Violation = 93 day misdemeanor
- Second Violation = one year misdemeanor
- Two or more prior convictions = 4 year felony

Effective January 1, 2001

***Increased penalties for Methamphetamine and other control substance violations. P.A. 314 of 2000 (MCL 333.7401c)***

- Possession of methamphetamine increases from a 2 year to a 10 year felony.
- Manufacture, delivery, or possession with intent to deliver increases from a 7 year to a 20 year felony.
- The penalty for "use" of methamphetamine remains at a one year misdemeanor but the fine increases from \$1,000 to \$2,000.
- Establishes a 10 year felony for a person to own, possess, or use a building, vehicle, structure, or place that he has knowledge or reason to know

is being used as a location to manufacture a controlled substance.

- Establishes a 10 year felony for a person to own or possess chemical or laboratory equipment that he knows or has reason to know is to be used for the purpose of manufacturing a controlled substance.
- Establishes a 10 year felony for a person to provide any chemical or laboratory equipment to another person knowing or having reason to know the equipment is going to be issued for manufacturing a controlled substance.
- Establishes a 20 year felony for the unlawful disposing of such hazardous waste created in the manufacture of a controlled substance; judge may also order person convicted to pay environmental response activity costs.
- Establishes a 20 year felony if these violations are in the presence of a minor or occur within 500 ft. of a residence, business school, or church.
- Establishes a 25 year felony if the violation involves a firearm or any device designed or intended to be used to injure another person.
- Cocaine and marijuana are exempt from these penalties.

Effective date: January 1, 2001

***Abandoned Vehicles on trunklines may be towed within 24 hours. (MCL 257.252a) P.A. 306 of 2000***

Abandoned vehicles on a state trunkline highway ("I" roads, "M" Roads, and "US" Roads) may be towed from the scene if the vehicle has been inspected and an abandoned vehicle sticker has been affixed, and the vehicle was not removed within 24 hours.

Effective October 16, 2000.

***Gamma-Butyrolactone (GBL) is illegal for human consumption. (MCL 333.7401a, 7410, 7410a, & 7521) P.A. 302 of 2000***

GBL is a precursor to and can be readily converted to gamma hydroxybutyrate (GHB), also known as the “date rape drug” when taken orally. The manufacture, delivery or possession of GBL for human consumption is now prohibited. GBL can be possessed for use in a commercial application such as industrial solvent and floor stripper.

- Penalty for manufacture, delivery or intent to manufacture or deliver = 7 year felony
- Possession of GBL = 2 year felony
- GBL used to commit CSC = 20 year felony

Effective date: January 1, 2001.

***School officials can request vehicle information, via LEIN, from a police agency. (MCL 28.214) P.A. 320 of 2000.***

Authorizes public or private school superintendents, principals, or assistant principals to obtain vehicle information from LEIN of a vehicle located within 1,000 feet of school property. The LEIN policy council is still developing the proper procedure to handle these types of requests.

***Newborns may lawfully be abandoned with an emergency service provider. (MCL 712A.19b) P.A. 232 of 2000***

This Act requires an emergency service provider (police station, fire dept. or hospital) to take temporary protective custody of a newborn and take necessary action to protect the newborn. The person taking the child must provide the parent with required information regarding their parental rights. Officers should attempt to elicit information from the parent, however, the parent is not required to provide any information. The newborn should then be transported to a hospital where the hospital will take custody of the child. Effective January 1, 2001.

***Police officers of bordering states have increased authority. P.A. 311 of 2000***

A law enforcement officer of an adjacent state (Indiana, Ohio, Minnesota, and Wisconsin) has the same authority and immunity as a law enforcement officer of Michigan if he or she is on-duty, is authorized to arrest in their home state, and notifies a law enforcement agency of this state that he or she is in Michigan for 1 of the following reasons:

- The officer is engaged in pursuing, arresting, or attempting to arrest an individual for a violation of a law in an adjacent state.
- The officer is in Michigan at the request of a Michigan officer.
- The officer is working in conjunction with a Michigan officer.
- The officer is responding to an emergency

Effective October 17, 2000

***The smell of intoxicants by themselves may provide the basis for an investigatory detention.***

During a traffic stop for a broken tail light, the officer detected a strong odor of intoxicants on the driver’s breath. The driver was subsequently arrested. The officer testified that the roadside sobriety tests were based solely on the strong odor of intoxicants on her breath and not because she was driving or acting in any way that suggested intoxication. The court upheld the arrest.

“We hold that such an odor may give rise to a reasonable suspicion that the motorist has recently consumed intoxicating liquor, which may have affected his or her ability to operate a motor vehicle. A police officer need not suspect that a motorist blood alcohol content is above or below a certain numerical limit before conducting roadside sobriety tests. Rather, he must merely have a reasonable suspicion that the motorist has consumed intoxicating liquor, which may have affected the motorist’s ability to operate a motor vehicle. In order to confirm or dispel such reasonable suspicion, we hold that a police officer may instruct a motorist to perform roadside sobriety tests.” People v Rizzo, C/A No. 219360 (November 3, 2000).