

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB 405

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Puckett

3. Committee: Passed Both Houses

4. Title: Controlled substances; nonresident pharmacies reporting and approval requirements

5. Summary: Makes it a Class 1 misdemeanor for any person to manufacture, sell, give, distribute or possess with intent to manufacture, sell, give or distribute a Schedule VI controlled substance or imitation controlled substance in violation of the Drug Control Act. The bill requires a nonresident pharmacy to designate a Virginia-licensed pharmacist to be responsible for compliance with all provisions of the Drug Control Act. A nonresident pharmacy that dispenses more than 50 percent of its total prescription volume pursuant to an original prescription order received as a result of solicitation on the Internet, must disclose to the Pharmacy Board that it has received certain certifications. The bill also allows controlled substances that are illegally shipped to be seized by law-enforcement or by an agent of the Board of Pharmacy.

6. Fiscal Impact is Final (See Item 8)

7. Budget Amendment Necessary: No

8. Fiscal Implications: The proposed legislation will not have any significant fiscal impact on the Department of Health Professions; however, it will establish a new Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor in Virginia may be sentenced to up to 12 months in jail.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2007); the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined.

9. Specific Agency or Political Subdivisions Affected:

Department of Health Professions
Compensation Board

10. Technical Amendment Necessary: No

11. Other Comments: This bill is a companion to HB 1147.

Date: 3/6/2008

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cc: Secretary of Health and Human Resources
Secretary of Public Safety