

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB 2136

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

2. Patron: Hodges

3. Committee: Passed both houses

4. Title: Addition of drugs to Schedule III

5. Summary:

The proposed legislation would add methesterone and prostanazol to Schedule III of the Virginia Controlled Drug Act.

6. Budget Amendment Necessary: Yes. Item 389.

7. Fiscal Impact Estimates: Final. See Item 8.

Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| | | |
| 2013 | | |
| 2014 | \$50,000 | General |
| 2015 | | |
| 2016 | | |
| 2017 | | |
| 2018 | | |

8. Fiscal Implications:

Methasterone and prostanazol were classified as Schedule III anabolic steroids under the federal Controlled Substances Act effective August 29, 2012. Individuals may abuse anabolic steroids for several reasons, including improving their athletic performance, increasing muscle strength, or enhancing their appearance. In addition to psychological effects, such as hostility and dependence, anabolic steroid abuse can cause liver damage, sterility, and increased cholesterol levels.

Possession of a Schedule III controlled substance (including anabolic steroids) is a Class 1 misdemeanor, punishable by a term of incarceration of up to twelve months in jail. The sale or distribution of anabolic steroids is a felony violation punishable by imprisonment from one to ten years, including a mandatory minimum term of six months incarceration. The penalty for sale of a Schedule III controlled substance to a minor and using a minor to assist in the distribution of a Schedule III drug is imprisonment from ten to fifty years. In addition, distribution of an imitation Schedule III drug is a Class 6 felony. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 2012), the estimated total state support for local jails averaged \$26.54 per inmate, per day in FY 2011.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, 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. In such cases, Chapter 3 of the 2012 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Compensation Board
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/19/2013

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