

Department of Planning and Budget 2014 Fiscal Impact Statement

1. **Bill Number:** HB505-H1

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

2. **Patron:** Hodges

3. **Committee:** Courts of Justice

4. **Title:** Dextromethorphan Distribution Act; penalty.

5. **Summary:** Provides that no pharmacy or retail distributor may knowingly or intentionally sell or distribute a product containing dextromethorphan (a cough suppressant found in many over-the-counter medications) to a minor and that no minor may knowingly and intentionally purchase such product. A violation is punishable by a \$25 civil penalty, which shall be paid into the Literary Fund. The bill also provides that a pharmacy or retail distributor, or its employee or agent, shall not sell or distribute a product containing dextromethorphan unless the purchaser presents an identification which includes a photograph and birth date of the purchaser. A violation for the first offense is punishable by a notice of noncompliance from the Board of Pharmacy and upon any subsequent violation the punishment is a civil penalty of \$25 to be paid to the Literary Fund. Any person who distributes or possesses with the intent to distribute unfinished dextromethorphan is guilty of a Class 1 misdemeanor.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary; See Item 8 below.

8. **Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to this proposal, the proposed legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. 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 FY2012 Jail Cost Report (November 1, 2013), the estimated total state support for local and regional jails averaged \$30.06 per state inmate, per day in FY 2012.

9. **Specific Agency or Political Subdivisions Affected:** Local and regional jails, State Compensation Board.

10. **Technical Amendment Necessary:** No.

11. Other Comments: Similar to SB213.

Date: January 31, 2014

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