

## Department of Planning and Budget 2023 Fiscal Impact Statement

**1. Bill Number:** HB1922

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** McGuire

**3. Committee:** Committee Referral Pending

**4. Title:** Delta-8 tetrahydrocannabinol; distribution; penalty.

**5. Summary:** Provides that it is a Class 1 misdemeanor to sell, give, distribute, or possess with the intent to sell, give, or distribute delta-8 tetrahydrocannabinol. The bill also directs the Department of Forensic Science to determine the proper methods for detecting the concentration of tetrahydrocannabinol in substances, and provides that the testing methodology shall use post-decarboxylation testing or another equivalent method, and shall consider the potential conversion of tetrahydrocannabinolic acid (THC-A) into THC.

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

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

**8. Fiscal Implications:** There is no anticipated fiscal impact on the Department of Forensic Science as a result of this proposed legislation.

The bill creates a new Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

**9. Specific Agency or Political Subdivisions Affected:** Courts, Department of Forensic Science, law enforcement agencies, and Local and regional jails.

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

**11. Other Comments:** None.