



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### Senate Bill No. 480 (Patron – Obenshain)

LD#: 16101753

Date: 1/5/2016

Topic: Schedule I controlled substances

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

- **Juvenile Correctional Centers:**  
Cannot be determined\*
- **Juvenile Detention Facilities:**  
Cannot be determined\*

\* Provided by the Department of Juvenile Justice

#### Summary of Proposed Legislation:

The proposal amends § 54.1-3446 of the *Code of Virginia* to add 12 chemical compounds to the list of Schedule I controlled substances.

In 2014, the General Assembly enacted legislation giving the Board of Pharmacy authority to amend its regulations to add substances to Schedule I or II of the Drug Control Act via an expedited regulatory process. Pursuant to § 54.1-3443, the Board must notify the General Assembly's House and Senate Courts of Justice Committees of any new compounds added to the list of Schedule I or II controlled substances. The scheduling of new compounds adopted by the Board of Pharmacy via this process remains in effect for a period of 18 months, after which the compounds will be de-scheduled unless the Drug Control Act is amended by legislation passed by the General Assembly. The Board of Pharmacy added the 12 compounds specified in the proposal to Schedule I of the Drug Control Act effective December 2, 2015.

#### Analysis:

The proposal would add 12 compounds to § 54.1-3446, including four cathinone derivatives, commonly known as bath salts,<sup>1</sup> one compound chemically related to benzodiazepines,<sup>2</sup> a hallucinogen, an opioid

<sup>1</sup> Department of Justice, National Drug Intelligence Center [Thursday, December 17, 2015] (available at <http://www.justice.gov/archive/ndic/pubs44/44571/44571p.pdf>)

<sup>2</sup> Drug Enforcement Administration, Office of Diversion Control [Thursday, December 17, 2015] (available at [http://www.deadiversion.usdoj.gov/drug\\_chem\\_info/etizolam.pdf](http://www.deadiversion.usdoj.gov/drug_chem_info/etizolam.pdf))

chemically similar to Fentanyl,<sup>3</sup> and five compounds that are considered synthetic cannabinoids or cannabimimetic agents, commonly referred to as synthetic marijuana, K2, or Spice.<sup>4</sup>

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Because the Board of Pharmacy has already added the 12 compounds specified in the proposal to Schedule I of the Drug Control Act, the proposed legislation is not expected to have any additional impact on the state-responsible (prison) bed space needs of the Commonwealth.

**Local adult correctional facilities.** Similarly, the proposed legislation will not have any additional impact on local-responsible (jail) bed space needs.

**Adult community corrections programs.** The proposal will not affect adult community corrections programs.

**Virginia's sentencing guidelines.** No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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<sup>3</sup> Department of Justice, National Drug Intelligence Center [Thursday, December 17, 2015] (available at [http://www.deadiversion.usdoj.gov/drug\\_chem\\_info/acetylfentanyl.pdf](http://www.deadiversion.usdoj.gov/drug_chem_info/acetylfentanyl.pdf))

<sup>4</sup> Drug Enforcement Administration, Office of Diversion Control, Federal Register Volume 79, Number 244, Proposed Rules, Pages 75767-75771 [Friday, December 19, 2014] (available at [http://www.deadiversiontest.usdoj.gov/fed\\_regs/rules/2014/fr1219.htm](http://www.deadiversiontest.usdoj.gov/fed_regs/rules/2014/fr1219.htm))