

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** HB2580

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Kory

**3. Committee:** Agriculture, Chesapeake and Natural Resources

**4. Title:** Prohibited pesticides; chlorpyrifos; penalty.

**5. Summary:** This bill prohibits the manufacture, distribution, sale, offer for sale, use, or offer for use of any pesticide containing chlorpyrifos, defined in the bill, as an active ingredient. The bill authorizes the Virginia Department of Agriculture and Consumer Services to seize any such pesticide. Violation of the provision is a Class 1 misdemeanor and includes an additional fine of up to \$500,000 if death or serious physical harm to any person is caused by the violation.

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

**7. Fiscal Impact Estimates:** Indeterminate. See item 8.

**8. Fiscal Implications:** The fiscal impact of this bill on the Virginia Department of Agriculture and Consumer Services (VDACS) is indeterminate. The bill provides authority for VDACS to seize any pesticide containing chlorpyrifos. The agency does not collect information regarding the amount of pesticides shipped or sold in the Commonwealth. Therefore, it is not possible to determine the volume of materials that may be seized and require disposal. Any seizure will require safe transport and secure storage of the products prior to disposal. As the agency does not currently seize or store pesticides, the costs associated with these two activities are unknown. Additionally, the bill does not specify the entity responsible for the costs of transport, storage, and disposal of any seized pesticides. Further, the number of complaints and associated investigations that may be related to the continued sale of these products is unknown. Administration of the Pesticide Control Act is a nongeneral fund supported program.

A violation of the provisions of the bill is punishable as a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. According to the Virginia Criminal Sentencing Commission, not enough information is available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, 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 a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality.

According to the Compensation Board's most recent Jail Cost Report (November 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

In addition, persons convicted of misdemeanors are also subject to fines. This bill also establishes an additional fine of up to \$500,000 if death or serious physical harm to any person is caused by the violation. All revenue from fines must be deposited into the Literary Fund; the amount of revenue that may result from this bill is indeterminate.

**9. Specific Agency or Political Subdivisions Affected:** Department of Agriculture and Consumer Services; localities; local jails and courts.

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

**11. Other Comments:** None.