

Department of Planning and Budget

2023 Fiscal Impact Statement

1. **Bill Number:** HB1513

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

2. **Patron:** Adams, D.M.

3. **Committee:** Courts of Justice

4. **Title:** Psilocybin; possession or distribution for certain medical purposes permitted, penalty.

5. **Summary:** Allows possession of psilocybin pursuant to a valid prescription or order issued by a health care practitioner in the course of his professional practice for treatment of refractory depression or post-traumatic stress disorder or to ameliorate end-of-life anxiety. The bill prohibits prosecution of health care practitioners or pharmacists for dispensing or distributing psilocybin for such purposes. The bill makes possession of psilocybin without a valid prescription a Class 2 misdemeanor punishable by no longer than 30 days in jail and no more than a \$500 fine, either or both. The bill makes a second or subsequent offense a Class 1 misdemeanor.

6. **Budget Amendment Necessary:** See item #8.

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

8. **Fiscal Implications:** The bill makes possession of psilocybin without a valid prescription a Class 2 misdemeanor punishable by no longer than 30 days in jail and no more than a \$500 fine, either or both. Additionally, the bill makes a second or subsequent offense a 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 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 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

This bill would not have a fiscal impact on the Department of Health Professions.

9. Specific Agency or Political Subdivisions Affected: Local and Regional Jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.