



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2364 (Patron – Wachsmann)

LD#: 23104328

Date: 01/11/2023

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 Direct Care:**
Cannot be determined**
- **Juvenile Detention Facilities:**
Cannot be determined**

** Provided by the Department of Juvenile

* Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal amends § 54.1-3446 of the *Code* to add certain 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 chemicals and drugs specified in the proposal have already been scheduled by regulatory action of the Board of Pharmacy.

Analysis:

The proposal adds numerous chemical compounds to § 54.1-3446. The number of incidents involving these specific substances is not known.

Impact of Proposed Legislation:

State adult correctional facilities. According to the Board of Pharmacy, the compounds specified in the proposal have already been added to the Drug Schedules through the regulatory process. If so, the proposed legislation is not expected to have any additional impact on the state-responsible (prison) bed space needs of the Commonwealth if enacted.

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 direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) 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.

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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