

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 14** HLS 23RS 98

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

| | | |
|--|---------|---------------------------------|
| Date: April 5, 2023 | 9:00 AM | Author: FIRMENT |
| Dept./Agy.: Corrections | | |
| Subject: Adds Mitragynine as Controlled Dangerous Substance | | Analyst: Daniel Druilhet |

CONTROLLED SUBSTANCES OR SEE FISC NOTE Page 1 of 1
Provides relative to Schedule I of the Uniform Controlled Dangerous Substances Law

Current law provides that it is unlawful to distribute products containing Mitragyna speciosa to minors, and mandates a penalty of imprisonment of no more than six months or a fine of \$500, or both.

Proposed law repeals the crime of unlawful distribution of products containing Mitragyna speciosa to a minor and repeals Act 231 of the 2019 RS, which listed Mitragyna as a controlled dangerous substance if and when the United States Drug Enforcement Administration classified the substance as a controlled dangerous substance.

Proposed law adds mitragynine and 7-Hydroxy-mitragynine as Schedule I substances to the Uniform Controlled Dangerous Substances Law unless specifically excepted or contained within a pharmaceutical product approved by the United States Food and Drug Administration.

| EXPENDITURES | 2023-24 | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Annual Total | | | | | | |
| REVENUES | 2023-24 | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 5 -YEAR TOTAL |
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS) if a person is convicted of unlawful production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance or controlled substance analogue classified in Schedule I. The exact fiscal impact of the passage of this legislation is indeterminable, since it adds certain substances to the list of Controlled Dangerous Substances and it is not known how many people will be convicted as a result of this change to Schedule I.

SGF expenditures will increase by \$101.76 per offender per day to the extent that an offender is convicted and then subsequently housed in a state facility or \$26.39 per offender per day for a state offender housed in a local facility. An offender sentenced to the custody of the DPSC – CS for one year would increase expenditures by \$37,142.40 (\$101.76 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for unlawful production, manufacture, distribution, or dispensing or possessing with the intent to produce, manufacture, distribute, or dispense a controlled dangerous substance or controlled substance analogue classified in Schedule I. The maximum fine for Schedule I is \$50,000. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
Evan Brasseaux
Interim Deputy Fiscal Officer