

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 89** HLS 20RS 426

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 17, 2020	6:03 AM	<b>Author:</b> JAMES
<b>Dept./Agy.:</b> Statewide		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Schedules I&IV Uniformed Controlled Dangerous Substances		

DRUGS/CONTROLLED RE INCREASE GF EX See Note Page 1 of 1  
Adds certain substances to the Uniform Controlled Dangerous Substances Law

Proposed law adds the following to the Uniform Controlled Dangerous Substances Law:

- \*Butyryl fentanyl, 4-Fluoroisobutyryl fentanyl, MT-45, Ocfentanil, Clonazepam, and Flualprazolam to Schedule I.
- \*Norfentanyl to Schedule II.
- \*Brexanolone, Lemborexant, and Solriamfetol to Schedule IV.
- \*Cenobamate and Lasmiditan to Schedule V.

Proposed law removes isomers of opium and opiates from Schedule II substances of vegetable origin or chemical synthesis and adds 6a-naltrexol as a Schedule II substance of vegetable origin or chemical synthesis.

<b>EXPENDITURES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

  

<b>REVENUES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
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Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
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Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law will likely 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, Schedule II, Schedule IV and Schedule V. 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, Schedule II, Schedule IV and Schedule V.

SGF expenditures will increase by \$67.44 per offender per day if an offender is housed in a state facility or \$26.39 for a state offender housed in a local facility. An offender sentenced to the custody of the DPSC - CS for one year would increase SGF expenditures by \$24,615.60 (\$67.44 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. Approximately 50% of state offenders are housed in state facilities and approximately 50% are housed in local facilities.

**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, Schedule II, Schedule IV and Schedule V. The maximum fine for Schedule I and Schedule II is \$50,000. The maximum fine for Schedule IV is \$100,000. The maximum fine for Schedule V is \$5,000. 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**  
**Staff Director**