

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



Fiscal Note On: **HB 82** HLS 13RS 119  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> March 28, 2013 8:36 AM	<b>Author:</b> HILL
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Stephanie C. Blanchard
<b>Subject:</b> Dextromethorphan Products	

DRUGS OR INCREASE GF EX See Note Page 1 of 1  
 Limits the sale and purchase of products containing dextromethorphan

Proposed law prohibits the dispensing, selling or distributing of dextromethorphan products to any person under the age of eighteen. Limits the quantity of nonprescription dextromethorphan which may be sold to three grams within a 30-day period to the same customer, with the exception of a valid prescription. Provides penalties for the selling, dispensing, or distributing of nonprescription products containing dextromethorphan to persons under 18 years of age which include a fine of not more than \$2,000, imprisonment, with or without hard labor, for not more than two years, or both. Provides penalties for selling more than three grams of nonprescription products containing dextromethorphan within a 30-day period which include a fine of not more than \$500, imprisonment of not more than six months, or both. Provides that it is unlawful for any person to possess three grams or more of dextromethorphan products, with the exception of a valid prescription. Provides penalties including a fine of not more than \$2,000, imprisonment for not more than two years, or both.

<b>EXPENDITURES</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of dispensing, selling, or distributing to a person under the age of 18 or dispensing, selling, distributing, or possessing more than three grams or more of nonprescription products containing dextromethorphan without a valid prescription. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation creates new crimes and it is not known how many individuals will be convicted of the crimes. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$47.74. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

To the extent a defendant is convicted of dispensing, selling, or distributing to a person under the age of 18 or dispensing, selling, distributing, or possessing more than three grams or more of nonprescription products containing dextromethorphan without a valid prescription and serves 1 year, the cost to house the offender at a local facility would be \$8,902 (1 offender x \$24.39 per day x 365 days) and the cost to house an offender at a state facility would be \$17,425 (1 offender x \$47.74 per day x 365 days).

To the extent a defendant is convicted of dispensing, selling, or distributing more than three grams of nonprescription products containing dextromethorphan and serves 6 months, the cost to house the offender at a local facility would be \$4,463 (1 offender x \$24.39 per day x 183 days).

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure. Any revenue generated through the imposition of fines created by this legislation would accrue to local government entities.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}	<input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S}	
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}	<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	

*Evan Brasseaux*  
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**Staff Director**