



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1951

PRINTERS NO. 2762

PRIME SPONSOR: Toohil

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

House Bill 1951, Printer's Number 2762 amends Title 18 (Crimes and Offenses) by adding a new Section 6322 (Access of minors to dextromethorphan).

ANALYSIS:

HB 1951 further amends the Crimes Code providing for a new offense relating to the access of dextromethorphan to minors. A person commits a summary offense if they sell, or purchase with the intent to sell a "finished drug product" containing any amount of dextromethorphan to a person under the age of 18. A "finished drug product" is defined in the legislation as a drug legally marketed under the Federal Food, Drug, and Cosmetic Act (52 Stat.1040, 21 U.S.C. §321 et seq.). In addition, a person commits a summary offense if they falsely represent themselves to be 18 years of age or older to another for the purpose of obtaining any quantity of dextromethorphan.

The legislation further provides a proof of age requirement for a person making a retail sale of a "finished drug product" containing any amount of dextromethorphan. Proof of age from the purchaser will be required before completing a sale, unless the purchaser's outward appearance is such that a person would reasonably presume the purchaser to be at least 25 years of age.

The penalty for a person convicted of violating Section 6322 (a) will be sentenced to pay a fine of no less than \$250 and no more than \$500 for the first violation and a fine of \$500 for each subsequent violation.

Section 6322 does not apply to a medication containing dextromethorphan that is sold pursuant to a valid prescription. This legislation will preempt any local ordinance regulating the sale, distribution, receipt or possession of dextromethorphan and prohibit further regulation by any political subdivision.

This legislation will take effect in 60 days.

FISCAL IMPACT:

Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds. However, an individual charged, convicted and sentenced with a summary offense may serve a prison sentence of not more than 90 days; therefore there could be minimal impact to local funds.

PREPARED BY: Jenny P. Stratton
House Appropriations Committee (R)

DATE: December 12, 2017

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.