

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 1951

PRINTER NO. 2762

AMOUNT

See Fiscal Impact

FUND

Judicial Computer System Augmentation Account

DATE INTRODUCED

November 30, 2017

PRIME SPONSOR

Representative Toohil

DESCRIPTION

House Bill 1951 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to provide for the offense of access of minors to dextromethorphan and imposing a penalty.

Title 18 is amended by adding a new § 6322 (relating to access of minors to dextromethorphan). A person commits a summary offense if they:

- 1) Knowingly sell or purchase with the intent to sell a finished drug product containing any quantity of dextromethorphan to a person who is less than 18 years of age; or
- 2) Falsely represent themselves to be 18 years of age or older to another for the purpose of procuring a finished drug product containing any quantity of dextromethorphan.

A person making a retail sale of a finished drug product containing any quantity of dextromethorphan shall obtain proof of age from the purchaser before completing the 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. "Proof of age" is defined as a document issued by a governmental agency that contains a description or photograph of a person and gives the person's date of birth, including a passport, military identification card or driver's license.

A person convicted of this new offense shall be sentenced to pay a fine of not less than \$250 nor more than \$500 for the first violation and a fine of \$500 for each subsequent violation.

The legislation provides an exception for medication containing dextromethorphan that is sold pursuant to a valid prescription. Additionally, it preempts any local ordinance regulating the sale, distribution, receipt or possession of dextromethorphan and is not subject to further regulation by political subdivisions.

"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.) that is in finished dosage form.

This act shall take effect in 60 days.

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FISCAL IMPACT:

Assuming ten arrests for a violation of § 6322 (relating to access of minors to dextromethorphan) result in conviction, this would result in fine deposits to the Judicial Computer System Augmentation Account in the amount of \$2,500 - \$5,000.