

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1393

PRINTER NO. 3253

AMOUNT

No Fiscal Impact

FUND

General Fund
Local Government Funds

DATE INTRODUCED

May 14, 2021

PRIME SPONSOR

Representative Struzzi

DESCRIPTION

House Bill 1393 amends the definition of "drug paraphernalia" in section 2(b) of the act of April 14, 1972 (P.L.233, No.64), known as the Controlled Substance, Drug, Device and Cosmetic Act (act).

Currently, fentanyl test strips are considered "drug paraphernalia" under the act. This legislation amends the definition of "drug paraphernalia" in section 2(b) by clarifying that the definition specifically does not include testing products that are utilized in determining whether a controlled substance contains chemicals, toxic substances or hazardous compounds in quantities which can cause physical harm or death and that the term "testing products" shall include, but is not limited to, fentanyl test strips.

This act shall take effect in 60 days.

FISCAL IMPACT:

Currently, fentanyl test strips are considered "drug paraphernalia," chargeable as an ungraded misdemeanor offense that shall be sentenced to pay a fine not exceeding \$2,500 or to imprisonment not exceeding one year, or both. Any person who delivers drug paraphernalia to a person under eighteen years of age who is three or more years his junior is guilty of a misdemeanor of the second degree and upon conviction shall be sentenced to pay a fine not exceeding \$5,000 or to imprisonment not exceeding two years, or both.

According to the Sentencing Commission, there is currently a minimal number of convictions related to drug paraphernalia involving fentanyl test strips. Therefore, the provisions of House Bill 1393 will have no negative fiscal impact on state or local funds.