

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 165

**PRINTER NO.** 634

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

January 30, 2023

**PRIME SPONSOR**

Senator Tartaglione

**DESCRIPTION**

Senate Bill 165 amends the Controlled Substance, Drug, Device and Cosmetic Act to include a new subsection to prohibit a clinic or establishment from knowingly providing space for any person to inject, ingest, inhale or otherwise introduce into the person's body a controlled substance.

The following shall apply:

- 1) The district attorneys of counties and the Attorney General shall have authority to investigate and to institute criminal proceedings for any violation of this clause;
- 2) No person charged with a violation of this clause by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case;
- 3) Nothing contained in the provisions listed above shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth whose functions might relate to persons, enterprises or matters falling within the scope of this section;
- 4) Nothing in this clause shall be construed to:
  - a. Prohibit the provision of space for the use of a medical marijuana product as long as that use is in conformance with the act of April 17, 2016 (P.L.84, No.16), known as the "Medical Marijuana Act;" and
  - b. Prohibit a practitioner from prescribing, administering or dispensing a controlled substance in a manner that is otherwise permitted under this act.

Any person who violates this clause:

- 1) Is guilty of a felony and upon conviction thereof shall be sentenced to a term of imprisonment of not more than twenty years or a fine of not more than five hundred thousand dollars (\$500,000), or both, or a fine of two million dollars (\$2,000,000) for a person other than an individual; and
- 2) Shall be subject to a civil penalty of not more than two hundred fifty thousand dollars (\$250,000). The Attorney General shall have the power and duty to institute proceedings to recover the civil penalty provided under this clause against any person liable to the Commonwealth for a penalty.

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Section 2. This act shall take effect in 60 days.

**FISCAL IMPACT:**

If the provisions of this legislation annually result in the conviction of 10 additional individuals who are sentenced to state confinement, additional costs to the Department of Corrections would be approximately \$152,132 in the first year, increasing to \$924,587 in year 5 when 50 additional individuals would be in state custody.

		Annual Costs to Pennsylvania Department of Corrections				
		1	2	3	4	5
Year						
<b>Per. Diem - Small Population Increases</b>		\$41.68	\$43.76	\$45.95	\$48.25	\$50.66
	1	10	10	10	10	10
	2		10	10	10	10
	3			10	10	10
	4				10	10
	5					10
<b>Total Inmates</b>		10	20	30	40	50
<b>Annual Cost</b>		\$152,132	\$319,477	\$503,177	\$704,447	\$924,587