



LEGISLATIVE FISCAL OFFICE  
Fiscal Note

Fiscal Note On: **HB 212** HLS 14RS 1020  
Bill Text Version: **ORIGINAL**  
Opp. Chamb. Action:  
  
Proposed Amd.:  
Sub. Bill For.:

|                                       |  |
|---------------------------------------|--|
| <b>Date:</b> March 17, 2014 7:47 AM   | <b>Author:</b> LEBAS                   |
| <b>Dept./Agy.:</b> Corrections        |  |
| <b>Subject:</b> Controlled Substances | <b>Analyst:</b> Stephanie C. Blanchard |

CONTROLLED SUBSTANCES OR INCREASE GF EX See Note Page 1 of 1  
Adds certain compounds to the Uniform Controlled Dangerous Substances Law

Present law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances’ potential for addiction and abuse.

The proposed legislation retains present law and adds 4-anilino-N-phenethyl-4-piperidine (ANPP) as an immediate precursor to fentanyl to Schedule II, adds Perampanel to Schedule III, and adds Lorcaserin to Schedule IV.

| EXPENDITURES   | 2014-15  | 2015-16  | 2016-17  | 2017-18  | 2018-19  | 5 -YEAR TOTAL |
|----------------|----------|----------|----------|----------|----------|---------------|
| State Gen. Fd. | INCREASE | INCREASE | INCREASE | INCREASE | INCREASE |               |
| Agy. Self-Gen. | \$0      | \$0      | \$0      | \$0      | \$0      | \$0           |
| Ded./Other     | \$0      | \$0      | \$0      | \$0      | \$0      | \$0           |
| Federal Funds  | \$0      | \$0      | \$0      | \$0      | \$0      | \$0           |
| Local Funds    | \$0      | \$0      | \$0      | \$0      | \$0      | \$0           |
| Annual Total   |          |          |          |          |          |               |

| REVENUES       | 2014-15   | 2015-16   | 2016-17   | 2017-18   | 2018-19   | 5 -YEAR TOTAL |
|----------------|-----------|-----------|-----------|-----------|-----------|---------------|
| State Gen. Fd. | \$0       | \$0       | \$0       | \$0       | \$0       | \$0           |
| Agy. Self-Gen. | \$0       | \$0       | \$0       | \$0       | \$0       | \$0           |
| Ded./Other     | \$0       | \$0       | \$0       | \$0       | \$0       | \$0           |
| Federal Funds  | \$0       | \$0       | \$0       | \$0       | \$0       | \$0           |
| Local Funds    | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW |               |
| Annual Total   |           |           |           |           |           |               |

EXPENDITURE EXPLANATION

The proposed legislation may result in an increase in state general fund expenditures if a defendant is convicted of unlawful production, manufacture, distribution, or dispensing or possession of prohibited stimulant products. The exact fiscal impact of the passage of this legislation is indeterminable, since it adds three substances to the list of Controlled Dangerous Substances and it is not known how many people will be convicted of this crime. 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 \$52.51. Currently, the Department of Corrections houses approximately 50% of state offenders at the local level and 50% at the state level.

Current law provides that the penalty "...to produce, manufacture, distribute, or dispense or possess with the intent to produce, manufacture, distribute, or dispense..." is imprisonment with hard labor for not more than 10 years. The penalty for possession of any controlled dangerous substance classified in Schedules II, III, and IV is imprisonment with or without hard labor for not more than 5 years.

For illustrative purposes, if 10 persons are convicted of this crime, with 5 offenders housed at the local level and 5 offenders at the state level, the annual cost of incarceration would be \$44,512 at the local level (5 offenders x \$24.39 per day x 365 days) and \$95,831 at the state level (5 offenders x \$52.51 per day x 365 days) for a total cost of \$140,343 (\$44,512 + \$95,831).

REVENUE EXPLANATION

There is no anticipated direct material effect on state revenues as a result of this measure. However, any revenue generated through the imposition of fines as a result of conviction would accrue to local government entities.

Current law provides that the fine "...to produce, manufacture, distribute, or dispense or possess with the intent to produce, manufacture, distribute, or dispense..." is not more than \$15,000.

Senate

Dual Referral Rules

House

☐ 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

☐ 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

☐ 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}

☐ 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

☐ 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

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Staff Director