

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1212** by Price (Relating to the prosecution and punishment of certain offenses under the Texas Controlled Substances Act and the regulation and scheduling of certain substances; creating criminal offenses.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to authorize the Commissioner of Health at the Department of State Health Services (DSHS) to designate a commodity as an abusable synthetic substance, which would be regulated in the same manner as other commodities under Chapter 431 of the Health and Safety Code. The bill would authorize the Commissioner of Health to emergency schedule a substance as a controlled substance in certain circumstances for a limited amount of time. The bill would classify certain substances as a controlled substance and controlled substance analogue.

The Department of Public Safety (DPS) indicates that implementing provisions of the bill related to the emergency scheduling of a substance would require the agency to purchase drug reference standards for each of its 13 drug testing laboratories annually and make certain, one-time system modifications. It is assumed that associated costs could be absorbed within available resources. DSHS indicates that activities related to the designation of a commodity as an abusable synthetic substance, the emergency scheduling of a substance as a controlled substance, and related enforcement activities could be accomplished by utilizing existing resources.

The manufacture, distribution, and retail sale of abusable synthetic substances would be sanctioned under Section 431.059 of the Health and Safety Code, which provides that a first offense is a Class A misdemeanor, and a second offense is a state jail felony. Persons who abuse the substances would be sanctioned under Section 481.119 of the Health and Safety Code, which provides that an offense is a Class A or B misdemeanor, depending upon the circumstances. No significant impact to state correctional populations is expected from the bill.

Local Government Impact

The bill would modify misdemeanor offenses. Changes in costs associated with enforcement, prosecution, and confinement are not anticipated to have a significant fiscal impact. Changes in revenue from fines imposed and collected are not anticipated to have a significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 537 State Health Services, Department of

LBB Staff: UP, ADe, JPo, NB, WP, VJC, KVe, RC