

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 16, 2015

TO: Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

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.), **Committee Report 2nd House, Substituted**

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 also authorize the Commissioner of Health to designate for a period of time a substance as a hazardous controlled substance in certain circumstances. The bill would require that a list of substances designated as hazardous controlled substances be published in the Texas Register. The bill would make it an offense to manufacture, deliver, or possess a substance designated as a hazardous controlled substance. In addition, the bill would classify certain substances as a controlled substance and controlled substance analogue. DSHS indicates that the provisions of the bill could be implemented using existing resources.

Depending upon the circumstances, the new offenses would be punished as a Class A or B misdemeanor or a state jail, third, or second degree felony. This analysis assumes that the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

The bill would create 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, NB, WP, ADe, VJC, KVe, JPo