

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 18, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB461 by Perry (Relating to false or misleading packaging, labeling, or advertising of certain abusable synthetic substances; providing civil penalties; creating a criminal offense.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to create a Class C misdemeanor if a person produces, distributes, sells, or offers for sale a false or mislabeled abusable synthetic substance. If the actor had previously committed a similar offense, the offense would be a Class A misdemeanor. The bill would permit the Attorney General, or a district, county or city court to institute an action to collect a civil penalty, of up to \$25,000 a day for each offense, against a person who produces, distributes, sells, or offers for sale a mislabeled abusable synthetic substance. The amount of the civil penalty would depend upon various factors to be considered by the court and would be paid to the local government who instituted the civil suit.

The Office of Court Administration reports no significant impact is anticipated.

A Class C misdemeanor is punishable by a fine of not more than \$500. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication. Revenue gain from civil penalties authorized by the bill would vary depending on the amount of the penalties and the number of actions taken.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, WP, EK, ADe