



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 197 of the 131st G.A.

Date: December 3, 2015

Status: As Passed by the House

Sponsor: Rep. Rezabek

Local Impact Statement Procedure Required: No

Contents: Prohibition against the sale of dextromethorphan to persons under 18

State Fiscal Highlights

- Violations of the bill's prohibition may generate, at most, a minimal amount of locally collected court cost revenue annually for deposit into the Indigent Defense Support Fund (Fund 5DY0) and the Victim of Crime/Reparations Fund (Fund 4020).

Local Fiscal Highlights

- Retailers and terminal distributors of dangerous drugs (and their employees) will generally comply with the bill's prohibition, making violations infrequent. It is likely that revenues collected from violators (fines, court costs, and fees) will offset to some degree the costs that counties and municipalities incur to process minor misdemeanors.

Detailed Fiscal Analysis

The bill prohibits a retailer or terminal distributor of dangerous drugs (or their employees) from knowingly selling or otherwise providing a drug containing dextromethorphan (DXM) to a person under 18 without a prescription. A violation of that prohibition is a minor misdemeanor.

Under current law, unchanged by the bill, law enforcement can only issue a citation for a minor misdemeanor; the person being cited generally cannot be arrested. If the person pays the associated fine of up \$150, court costs, and fees, that person is in effect pleading guilty and waiving the requirement that they make a court appearance.

Currently, Ohio has no restrictions in place on the sale, possession, or use of DXM in products that do not require a prescription. Products with DXM are sold at common pharmacy and supermarket retailers. They are relatively inexpensive and easy to purchase.

Presumably, once the bill's prohibition is enacted, retailers and terminal distributors of dangerous drugs (and their employees) will stop DXM sales to persons under 18 without a prescription. Most violations will be first-time offenders and subsequent violations will be relatively few in number.

State fiscal effects

The amount of locally collected state court costs that might be forwarded to the state treasury annually is likely to be no more than minimal. The state court costs for a misdemeanor conviction generally total \$29, with \$20 of that amount being deposited in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the remainder, or \$9, being credited to the Victims of Crime/Reparations Fund (Fund 4020).

Local fiscal effects

The time and cost to process a minor misdemeanor is relatively low, with most persons cited typically opting to pay the fine, court costs, and fees, and waive a court appearance. This likely means that in many cases the fines, court costs, and fees collected will offset some, if not all, of the cost associated with processing citations.