



# OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 73 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Reps. Rezabek and Koehler

**Local Impact Statement Procedure Required:** No

**Subject:** Prohibition against the sale of dextromethorphan to persons under 18

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

### Detailed Fiscal Analysis

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

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.

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 to \$150, court costs, and fees, that person is in effect pleading guilty and waiving the requirement that they make a court appearance.

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.

In addition, a violator will be assessed \$29 in state court costs for a misdemeanor violation, of which \$20 is credited to the Indigent Defense Support Fund (Fund 5DY0) and the remainder, or \$9, is credited to the Victims of Crime/Reparations Fund (Fund 4020). The total amount of state revenue collected annually will be negligible, as the number violators is expected to be relatively small.