



## Impact Analysis on Proposed Legislation

### Virginia Criminal Sentencing Commission

#### Senate Bill No. 759

(Patron – Newman)

LD#: 22104959

Date: 01/21/2022

Topic: Schedule I, II, IV and V controlled substances

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

- **Juvenile Direct Care:**  
None (\$0) \*
- **Juvenile Detention Facilities:**  
None (\$0) \*

\* Provided by the Department of Juvenile Justice

#### Summary of Proposed Legislation:

The proposal amends §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the *Code of Virginia* to add numerous chemical compounds to the list of Schedule I, II, IV, and V controlled substances.

In 2014, the General Assembly enacted legislation giving the Board of Pharmacy authority to amend its regulations to add substances to Schedule I or II of the Drug Control Act via an expedited regulatory process. Pursuant to § 54.1-3443, the Board must notify the General Assembly's House and Senate Courts of Justice Committees of any new compounds added to the list of Schedule I or II controlled substances. The scheduling of new compounds adopted by the Board of Pharmacy via this process remains in effect for a period of 18 months, after which the compounds will be de-scheduled unless the Drug Control Act is amended by legislation passed by the General Assembly.

The chemicals and drugs specified in the proposal have already been scheduled by regulatory action of the Board of Pharmacy.

#### Analysis:

The proposal adds numerous chemical compounds to §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454. The number of incidents involving these specific substances is not known.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** According to the Board of Pharmacy, the compounds specified in the proposal have already been added to the Drug Schedules through the regulatory process. If so, the proposed legislation is not expected to have any additional impact on the state-responsible (prison) bed space needs of the Commonwealth if enacted.

**Local adult correctional facilities.** Similarly, the proposed legislation will not have any additional impact on local-responsible (jail) bed space needs.

**Adult community corrections programs.** The proposal will not affect adult community corrections programs.

**Virginia’s Sentencing Guidelines.** No adjustment to the Guidelines would be necessary under the proposal.

**Juvenile direct care.** According to the Department of Juvenile Justice, the proposal is not expected to impact direct care (juvenile correctional center or alternative commitment placement) bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal is not expected to impact the bed space needs of juvenile detention facilities.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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