

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: H.B. 32

DATE: May 5, 1997

STATUS: As Introduced

SPONSOR: Rep. Reid

LOCAL IMPACT STATEMENT REQUIRED: No — No local cost

CONTENTS: Relocates the drug flunitrazepam (Rohypnol) to Schedule I of Ohio's controlled substances law from Schedule IV

State Fiscal Highlights

STATE FUND	FY 1998	FY 1999	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential indeterminate increase	Potential indeterminate increase	Potential indeterminate increase

- Although less than a handful of known arrests have been made in Ohio, rescheduling, could, by changing offense levels potentially increase DRC incarceration costs.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
Counties			
Revenues	Potential indeterminate gain	Potential indeterminate gain	Potential indeterminate gain
Expenditures	Potential indeterminate increase	Potential indeterminate increase	Potential indeterminate increase

- Rescheduling, by changing offense levels could increase county prosecution, adjudication and incarceration in county jails.
- Fine and asset forfeiture revenues could increase and possibly offset the increase in expenditures.



Detailed Fiscal Analysis

The bill relocates the drug flunitrazepam (Rohypnol) from Schedule IV to Schedule I of Ohio's controlled substances law.

Availability of Rohypnol

Until March 1996, Rohypnol was available to consumers in the United States only by importation of a 90-day supply based on a valid prescription. According to the US. Customs Service, 270 seizures of 310,184 tablets of Rohypnol were made between January 1990 and February 1996, with 90 percent of the seizures made after 1992, indicating its growing availability. As of March 1 1996, the US. Drug Enforcement Administration (DEA), documented 2,460 law enforcement cases involving Rohypnol nationwide, with 816 cases in Texas, and 562 in Florida. These two states are the primary entry points into the US. for the illegal trade of this drug. The DEA also reported that 2,000 seizures of the drug had been made in 32 states.

By rescheduling Rohypnol from schedule IV to schedule I, the felony level increases (see table below), which in turn could increase the likelihood of prosecution. But given that the Pharmacy (PRX) board is only aware of one case presently in the state involving Rohypnol, and that the State Highway Patrol has reported only two cases of arrests involving this drug, it is assumed that it has not become a drug of choice in Ohio, hence no current significant impact on the state. However, any substantial increase in the number of prosecutions would increase county expenditures for prosecution and adjudication. Fine and asset forfeiture revenues could also increase and possibly offset the potential increase in expenditures.

Drug Offense Schedule					
	Type of Offense				
	Trafficking		Possession		Manufacturing
Drug Sold	Bulk or Less	>5-50xBulk	Bulk or Less	>5-50xBulk	Any Amount
Schedule I or II	F4	F2 with Mandatory Sentence	F5	F2 with Mandatory Sentence	F2 with Mandatory Sentence
Schedule III, IV, or V	F5	F3	M3	F3	F3

DRC will experience a potential increase in expenditures as a result of the enhanced penalties, which would result in offenders being sentenced to longer prison terms.

The DEA has proposed rescheduling Rohypnol as a Schedule I drug, pending a review by the FDA. If this occurs, enactment of the law in Ohio would be a mere formality, as ORC 3719.41 changes constantly with Federal Law or rules, i.e. the federal law will be enforced.

□ *LBO staff: Ogbe O. Aideyman, Budget Analyst/Economist*

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