



# Ohio Legislative Service Commission

Jamie L. Doskocil

---

## Fiscal Note & Local Impact Statement

---

**Bill:** [H.B. 64 of the 129th G.A.](#)

**Date:** February 22, 2011

**Status:** As Introduced

**Sponsor:** Reps. Ruhl and Burke

**Local Impact Statement Procedure Required:** No

**Contents:** Adds three types of synthetic cannabinoids to the list of Schedule I controlled substances and provides for penalties

### State Fiscal Highlights

- **Incarceration expenditures.** There may be a minimal annual increase in the Department of Rehabilitation and Correction's GRF-funded incarceration costs stemming from a small increase in the number of felony offenders being sentenced to prison for violating any of the bill's prohibitions related to certain synthetic cannabinoids.
- **Court cost revenues.** The state may gain a negligible annual amount of locally collected court cost revenue that is deposited in the state treasury annually to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).

### Local Fiscal Highlights

- **Criminal justice system expenditures.** The number of individuals that could be arrested, charged, and prosecuted in any given local jurisdiction for violating any number of misdemeanor or felony level drug-related offenses (i.e., possession, use, trafficking, and/or manufacturing), associated with the inclusion of these three synthetic cannabinoids as a controlled substance will be relatively small. As such, the annual costs for any affected county or municipal criminal justice system (investigation, prosecution, adjudication, defense if the individual is indigent, and sanctioning) to resolve these cases will be minimal.
- **Court cost and fine revenues.** County criminal justice systems may realize a minimal annual gain in court cost and fine revenue collections, as a result of new convictions related to violations involving certain synthetic cannabinoids.

---

## Detailed Fiscal Analysis

### Synthetic cannabinoids

The bill adds three forms of synthetic cannabinoids to the Schedule I controlled substance section of the Revised Code.<sup>1</sup> These substances are also commonly known as K2 or Spice. Synthetic cannabinoids are chemically engineered substances and can produce a high similar to marijuana.

Considered a designer drug, the Drug Enforcement Administration (DEA) first identified JWH-018 in December 2008. Since then, several other types of synthetic cannabinoids have come on the market and there have been several reports of adverse health effects. On November 24, 2010, the DEA used its emergency authority under the federal Controlled Substances Act (CSA) to issue a Notice of Intent to temporarily place five types of synthetic cannabinoids in Schedule I of the CSA. As of February 22, 2011 however, the DEA has not yet finalized this rule. Two of these five substances, JWH-018 and JWH-073, are included in this bill. The remaining substance included in the bill (HU-210) was placed on the federal CSA prior to 2010.

Once a substance is placed on the federal CSA, it is automatically included in Ohio's schedule of controlled substances pursuant to current law.<sup>2</sup> By including these substances on the Schedule I list, all offenses involving items on that schedule will apply to these three synthetic cannabinoids, except where specified in the bill. Drug offenses related to Schedule I controlled substances are generally felonies, most of which carry either a presumption for prison or mandate a prison term. States have the authority to tailor the penalties associated with these controlled substances.

The bill provides that possession of these substances is a minor misdemeanor, punishable by a \$150 fine. The bill also provides that if any of these substances is involved in an offense of corrupting another with drugs the penalty for the offense is the same as if marijuana was the drug involved.

---

<sup>1</sup> (1) 1-pentyl-3-(1-naphthoyl) indole (some trade or other names: JWH-018), (2) 1-butyl-3-(1-naphthoyl) indole (some trade or other names: JWH-073), and (3) (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a – tetrahydrobenzo[c]chromen-1-ol (some trade or other names: HU-210).

<sup>2</sup> Revised Code section 3719.43 states that when pursuant to the federal drug abuse control laws the Attorney General of the United States adds a compound, mixture, preparation, or substance to a schedule of the laws, transfers any of the same between one schedule of the laws to another, or removes a compound, mixture, preparation, or substance from the schedules of the laws then such addition, transfer, or removal is automatically effected in the corresponding schedule or schedules in section 3719.41 of the Revised Code.

## **Department of Rehabilitation and Correction**

Since some activity related to these three synthetic cannabinoids is already illegal (HU-210), and because drug-related charges typically are one of many made against an alleged offender, there will likely be few new cases created as a result of the bill's enactment. As a result, the number of individuals that could be sentenced to prison exclusively for conduct involving these three synthetic cannabinoids will be relatively small, especially in the context of a prison population that currently totals around 51,000 inmates.

### **Court cost revenues (state and local)**

If additional individuals are convicted of criminal conduct, then the state could potentially collect state court costs which are levied on each convicted offender (if not waived by the court). Those locally collected court costs are forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). County and municipal criminal justice systems may also realize a minimal annual gain in court cost and fine revenues for new convictions, if any.

### **Local criminal justice system expenditures**

The number of individuals that could be arrested, charged, and prosecuted in any given local jurisdiction for violating any number of drug-related offenses (i.e., possession, use, trafficking, and/or manufacturing), associated with the inclusion of these three synthetic cannabinoids as a controlled substance will likely be relatively small. As such, the annual costs for any affected county or municipal criminal justice system (investigation, prosecution, adjudication, defense if the individual is indigent, and sanctioning) to resolve these cases will be minimal.