

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>17-1926/1</b>	<b>Introduction Number</b> <b>SB-587</b>
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**Description**  
 prohibiting the sale of dextromethorphan without a prescription to persons under 18 and providing a penalty

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
  - Increase Existing Revenues
  - Decrease Existing Revenues
  - Increase Costs - May be possible to absorb within agency's budget
    - Yes
    - No
  - Decrease Costs

**Local:**

- No Local Government Costs
- Indeterminate
  - 1.  Increase Costs
  - 2.  Decrease Costs
  - 3.  Increase Revenue
  - 4.  Decrease Revenue
  - 5. Types of Local Government Units Affected
    - Towns
    - Counties
    - School Districts
    - Village
    - Others
    - WTCS Districts
    - Cities
  - Permissive  Mandatory
  - Permissive  Mandatory
  - Permissive  Mandatory
  - Permissive  Mandatory

**Fund Sources Affected** **Affected Ch. 20 Appropriations**

GPR   
  FED   
  PRO   
  PRS   
  SEG   
  SEGS

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
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## Fiscal Estimate Narratives

DATCP 12/18/2017

LRB Number 17-1926/1	Introduction Number SB-587	Estimate Type Original
<b>Description</b> prohibiting the sale of dextromethorphan without a prescription to persons under 18 and providing a penalty		

### Assumptions Used in Arriving at Fiscal Estimate

This bill provides that a drug containing dextromethorphan, a common ingredient in over-the-counter cough medicine, may not be sold at retail to a person who is under the age of 18 if that person does not have a prescription order for the drug. The bill also requires a seller to check a form of identification that establishes the age of a person purchasing a drug containing dextromethorphan, unless the seller reasonably believes that the purchaser is at least 25 years old based on the purchaser's outward appearance. A seller who violates these prohibitions is subject to a civil forfeiture of up to \$250 for each violation, and a person under the age of 18 who purchases a drug containing dextromethorphan without a prescription order is subject to a civil forfeiture of \$50 for each violation.

The department anticipates an increase in workload upon passage of this bill, as well as a fundamental change in the focus of enforcement activities in our Bureau of Consumer Protection. As written, all complaints and referrals from local law enforcement must be sent to the department for investigation before referral to district attorneys for enforcement. Currently, the department does not take action against a consumer purchasing regulated products; it only has authority to take action against retailers and manufacturers. This bill would change that dynamic; therefore, the fiscal effects and additional staffing requirements are unknown at this time. While the department does not know the number of retailers that sell dextromethorphan, these items are commonly available at retail stores and in great supply. In consideration of this, the department will need to educate retailers about the new law by providing outreach and information to various organizations and industry associations.

After retailers have a sufficient period of time to comply, the department would conduct inspections and investigations on a complaint basis. Based on prior experience implementing new laws, the department will need to use various degrees of enforcement action to bring retailers, and now consumers, into compliance.

In addition, the department assumes, as with any new consumer protection law, there will be an increase in consumer complaints and workload. The department further expects it will need additional FTEs to conduct this work if the intent of the legislation is to enforce the law beyond complaint-based investigations, such as conducting regular inspections and subsequently enforcing laws against the purchasers of products.

### Long-Range Fiscal Implications

It is not clear how many complaints DATCP will receive under this bill as this is a new line of enforcement.