

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1131

(Delegate Rosenberg)

Judiciary

Crimes - Anabolic Steroids - Distribution to a Minor or Member of a High
School or College Athletic Team

This bill prohibits a person from unlawfully distributing, dispensing, or possessing with intent to distribute an anabolic steroid to a minor or an individual the person knows or has reason to know is a member of a high school or college athletic team. A violator is guilty of a felony and subject to maximum first offense penalties of imprisonment for 20 years and/or a fine of \$20,000. For each subsequent violation, there is a mandatory minimum nonsuspendable, nonparolable imprisonment sentence of 5 years and maximum penalties of imprisonment for 40 years and/or a fine of \$40,000. A sentence for a first or subsequent violation must be consecutive to any other sentence imposed and a conviction may not merge with a conviction for any other specified drug offenses.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's incarceration penalty provisions.

Local Effect: Minimal increase in local revenues due to the bill's monetary penalty provisions.

Small Business Effect: None.

Analysis

Current Law: Maryland law does not specifically address performance enhancing drugs and substances, *per se*. However, an anabolic steroid is a Schedule III controlled

dangerous substance. It may not be possessed or dispensed without a prescription. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for four years and/or a fine of \$25,000.

Background: Synthetic anabolic steroids are synthetic modifications of testosterone, which increase muscle mass and strength. These hormones have many medical uses, which include replacement therapy for men deficient in testosterone, helping people with AIDS maintain muscle mass and reduce muscle wasting, and treating rare types of anemia. Anabolic steroid use is legal only with a doctor's prescription.

Steroid use among teens has become a growing concern. Results from the 2007 Monitoring and Future Study show that 1.5% of eighth graders, 1.8% of tenth graders, and 2.2% of twelfth graders reported using steroids illegally at least once in their lifetimes. In addition, the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System showed that 4.0% of all high school students reported using steroids illegally at least once in their lifetime.

In 2007, the Maryland State Department of Education and St. Joseph Medical Center launched an awareness campaign to educate Maryland middle- and high-school students, parents, coaches, and teachers about the side effects, dangers, and alternatives to anabolic steroids and supplements.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted of these proposed crimes is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$526 per month. Excluding medical care, the average variable costs total \$148 per month. Persons sentenced to a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision since these cases would be heard in the circuit courts.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Washington County, Judiciary (Administrative Office of the Courts), University System of Maryland, Commission on Criminal Sentencing Policy, Baltimore City, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2008
mll/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510