



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 4597 Introduced on January 10, 2018
Author: Howard
Subject: Sale of an Energy Drink to a Minor
Requestor: House Medical, Military, Public, and Municipal Affairs
RFA Analyst(s): Gardner
Impact Date: January 29, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	Pending	\$0
Other and Federal	Pending	\$0
Full-Time Equivalent Position(s)	Pending	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

The Revenue and Fiscal Affairs Office (RFA) has received a response from the Judicial Department. The department indicates that while there is no data to estimate the number of new offenses that may be heard in general sessions or summary courts, they expect to manage any General Fund expenditure impact using existing resources. As RFA is awaiting responses from the Commission on Indigent Offense and the Commission on Prosecution Coordination, the full expenditure impact of the bill is pending.

Explanation of Fiscal Impact

Introduced on January 10, 2018

State Expenditure

This bill makes it unlawful for an individual to sell or otherwise provide an energy drink to a person under the age of eighteen years. Energy drinks are defined as soft drinks that have at least eighty milligrams of caffeine per nine fluid ounces and contain methylxanthines, B vitamins, or herbal ingredients. A person who is convicted of knowingly violating this law is guilty of a misdemeanor and must pay a \$50 penalty for each violation. A violation of this provision does not constitute a violation of an establishment's beer and wine permit and therefore is not grounds for revocation or suspension of such permit.

Judicial Department. This bill creates a new misdemeanor offense for knowingly providing an energy drink to a minor, the penalty for which is \$50 per violation. There is no existing data to estimate the number of hearings or trials that may be initiated in summary or general sessions court as a result of the bill. As these are new offenses, there is no data to estimate the number of hearings or trials that may be initiated as a result of the bill. Should there be an increased

caseload in general sessions due to the bill, the department anticipates that any General Fund expenditure impact will be absorbed within existing resources.

Commission on Indigent Defense. A determination of the bill's fiscal impact is pending, as the agency is still reviewing the bill.

Commission on Prosecution Coordination. A determination of the bill's fiscal impact is pending, as the agency is still reviewing the bill.

State Revenue

N/A

Local Expenditure

As these are new offenses, there is no data to estimate the number of hearings or trials that may be initiated as a result of the bill. Should there be an increased caseload in magistrate or municipal courts due to the bill, RFA anticipates that any expenditure impact will be absorbed within existing resources.

Local Revenue

N/A



Frank A. Rainwater, Executive Director