

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0605-03  
Bill No.: HCS for HB 414  
Subject: Children and Minors; Crimes and Punishment; Courts, Juvenile; Licenses-  
Driver's; Family Law  
Type: Original  
Date: March 12, 2009

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Bill Summary: This legislation requires health providers to inform victims of rape or sexual assault of their right to request a drug test to determine if a drug was used to facilitate the rape or sexual assault.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### **Section 191.220:**

Officials from the **Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agency.

In response to a previous version of this proposal, officials from the **University of Missouri** assume the proposal would have no fiscal impact on their agency.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Mental Health** states the Department does not perform rape evaluations, therefore has no fiscal impact.

Officials from the **Department of Public Safety** assume that any costs of this proposal can be absorbed with existing resources because, under the existing Forensic Exam program, the Department pays for drug tests in those cases where there is reason to believe that the victim of the sexual assault was drugged.

Officials from the **Department of Health and Senior Services** assume the proposal requires health care personnel involved in the examination and treatment of victims of sexual offenses to

ASSUMPTION (continued)

inform the victims of their rights to request a drug test for the presence of specific drugs used to facilitate a rape or sexual assault. This may result in many victims choosing to be tested for those drugs who otherwise may not have been tested, resulting in additional costs to the SAFE program.

On February 4, 2008, Executive Order 08-04 was signed to transfer the Sexual Assault, Forensic Examination Program from the Department of Health and Senior Services to the Department of Public Safety, effective August 28, 2008. Core funding for this program was transferred to the Department of Public Safety in the FY 2009 budget; therefore there would be no impact to the Department of Health and Senior Services.

Officials from the **Department of Social Services** state in FY08 the MO HealthNet Division (MHD) paid for 1,522 initial visits through the fee for service program for treatment associated with a primary diagnosis of sexual abuse. Approximately 43 of these individuals received a lab test that could have tested for date rape drugs. It is assumed that if health providers were required to inform rape victims that the drug test is available to them that additional victims will request and receive the test, though it is not known how many would request the test.

The fiscal impact for this legislation is a range based on the cost if no additional rape victims requested and were provided the test and if all rape victims requested and were provided the test. This figure also assumes that the number of rape victims remain the same.

1,522 initial visits - 43 lab tests already provided = 1,479 new lab tests  
 $1,479 \times \$19$  (average cost lab test) = \$28,101 for 12 months

FY10 (10 months) - Unknown < \$23,418 (\$8,311 GR)  
FY11 (12 months) - Unknown < \$29,366 (\$10,422 GR)  
FY12 (12 months) - Unknown < \$30,687 (\$10,891 GR)

A 4.5% inflation factor was applied to costs for FY11 and FY12.

Since an allegation of date rape is involved in only a proportion of sexual abuse cases, it is believed that the number of blood tests would probably be on the lower end of the range and represents a negligible cost to the MHN program.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

The proposed legislation may have an impact on hospitals and other public and private laboratories as a result of additional testing needed for the presence of specific drugs used to facilitate a rape or sexual assault.

FISCAL DESCRIPTION

**Section 191.220:**

The proposed legislation establishes Christy's Law which requires all health care personnel involved in the forensic examination and medical treatment of a victim of a sexual offense to inform the victim of his or her right to be tested for the presence of specific drugs used to facilitate a rape or sexual assault, including GHB, rohypnol, ketamine, and ecstasy. Any drug test results will be treated the same as other evidence collected and are to be included with all other evidence and test results gathered during the forensic examination.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Mental Health  
Department of Health and Senior Services  
Department of Social Services  
Missouri State Highway Patrol

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SOURCES OF INFORMATION (continued)

Office of the Secretary of State  
University of Missouri  
Department of Public Safety

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
March 12, 2009