

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1656-01
Bill No.: HB 658
Subject: Crimes and Enforcement; Drugs and Controlled Substances; Law Enforcement
Officers and Agencies
Type: Original
Date: March 8, 2011

Bill Summary: This proposal creates the Meth Lab Elimination Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	\$0 or (\$400,000)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	\$0 or (\$400,000)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☐ 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 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services, Office of Prosecution Services, Office of the State Public Defender, Office of the State Courts Administrator,** and the **Department of Public Safety - Director's Office** each assume the proposal would not create a fiscal impact to their respective agencies.

Officials from the **Department of Corrections (DOC)** state this legislation requires Missouri pharmacies to sell pseudoephedrine based cold medicines only to individuals who have a valid doctor's prescription. Raising the schedule severity to III may make ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers more difficult to obtain for manufacturing methamphetamine and therefore reduce the number of convictions.

This legislation could have an unknown savings to DOC if it decreases the number of individuals who become incarcerated due to crimes related to the use of manufacture of methamphetamine.

Officials from the **Department of Public Safety - Highway Patrol (MHP)** state as written, the legislation exempts natural dietary and herbal products with 15% ephedrine content or less. It is hypothetically feasible that this could be a means for meth producers to circumvent the law. If this occurs, courts could potentially call upon the crime laboratory to quantitate the concentration of ephedrine in these products for prosecution. The laboratory currently does not have the analytical equipment required to perform this type of test and would need to acquire equipment to do so.

It is estimated that the MHP would have to purchase two Liquid Chromatograph Mass Spectrometers at a cost of approximately \$200,000 each for a total expense of \$400,000.

Oversight will range the fiscal impact of the proposal to the MHP from \$0 (crime labs are not required to quantitate the concentration of ephedrine and therefore, the MHP is not required to purchase two new spectrometers) to the estimate provided by the MHP.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE			
<u>Costs - Missouri Highway Patrol</u>			
Potential need to purchase equipment to determine the concentration of ephedrine in various substances	\$0 or <u>(\$400,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 or <u>(\$400,000)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill moves the controlled substance classification of all methamphetamine precursor drugs currently in Schedule IV and Schedule V to Schedule III. The classification change will require a physician's prescription to obtain any of these drugs. These provisions are to be known as the Meth Lab Elimination Act.

The bill also repeals provisions regarding the required logging and recording of the sales as well as the storing of these drugs behind the counter from public access.

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 Health and Senior Services
Department of Public Safety
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Office of the State Courts Administrator

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

Mickey Wilson, CPA
Director
March 8, 2011