

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0106-01
Bill No.: HB 168
Subject: Health and Senior Services Department; Drugs and Controlled Substances;
Crimes and Punishment
Type: Original
Date: February 26, 2019

Bill Summary: This proposal exempts health care entities registered with the Department of Health and Senior Services that distribute hypodermic needles or syringes from the crime of unlawful delivery of drug paraphernalia.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§579.040 and 579.076 - Entities exempted from unlawful delivery of drug paraphernalia

Officials from the **Andrew County Health Department** state this proposal will have no fiscal impact on their organization as the Andrew County Health Department does not intend to register with the Department of Health and Senior Services to distribute hypodermic needles or syringes.

Officials from the **Cole County Health Department** state this proposal will have no fiscal impact on their organization as the Cole County Health Department does not intend to register with the Department of Health and Senior Services to distribute hypodermic needles or syringes.

Oversight notes that the **Department of Health and Senior Services (DHSS)**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Public Safety**, the **Missouri Office of Prosecution Services**, the **Office of State Courts Administrator**, the **Columbia/Boone County Department of Public Health and Human Services** and the **Cooper County Public Health Center** have **stated** the proposal would not have a direct fiscal impact on their **organizations**. Oversight does not have **any** information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Oversight contacted DHSS officials and asked them to provide the number of entities that might “register” with the department as the legislation provides in §579.040 that “**Any** (emphasis added) entity registered with the department of health and senior services that possesses, distributes, delivers, or sell hypodermic needles or syringes are exempt from the provisions of this section.” In addition, in §579.076, the legislation provides that “**Any** (emphasis added) entity registered with the department of health and senior services that delivers or manufactures hypodermic needles or syringes shall be exempt from the provisions of this section”. DHSS officials stated there is no way for them to determine the number of registered entities. In addition, “licensing” may not be the same as “registered”.

Oversight notes it is unsure if entities/individuals that register with the DHSS are limited to “medical-related” personnel/organizations. According to DHSS’ 2019 Budget, the department currently licenses more than 75,000 individuals and entities and performs inspections on numerous other organizations, including hotels, restaurants, beauty salons/barber shops and lead abatement professionals. Oversight assumes this proposal could unintentionally grant immunity for the offenses of possession, distribution, delivery or selling of hypodermic needles or syringes (§579.040) or for the delivery or manufacturing of hypodermic needles or syringes (§579.076).

ASSUMPTION (continued)

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other Local Public Health Departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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

The proposed legislation appears to have no direct fiscal impact.

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 Insurance, Financial Institutions and Professional Registration
Department of Public Safety
Missouri Office of Prosecution Services
Office of State Courts Administrator
Office of State Public Defender
Andrew County Health Department

SOURCES OF INFORMATION (continued)

Cole County Health Department
Columbia/Boone County Department of
Public Health and Human Services
Cooper County Public Health Center



Kyle Rieman
Director
February 26, 2019

Ross Strobe
Assistant Director
February 26, 2019