

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1967-01
Bill No.: HB 920
Subject: Department of Corrections; Prisons and Jails; Crimes and Punishment
Type: Original
Date: March 5, 2019

Bill Summary: This proposal specifies that certain healthcare products shall be available to prisoners at no cost while held in custody.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|--------------------|--------------------|--------------------|
| FUND AFFECTED | FY 2020 | FY 2021 | FY 2022 |
| General Revenue | (\$143,065) | (\$175,970) | (\$180,369) |
| Total Estimated Net Effect on General Revenue | (\$143,065) | (\$175,970) | (\$180,369) |

| 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 or (Unknown) | \$0 or (Unknown) | \$0 or (Unknown) |

FISCAL ANALYSIS

ASSUMPTION

§§217.199 and 221.065 - Certain healthcare products to be provided to prisoners at no cost

Officials from the **Department of Corrections (DOC)** state this bill adds tampons and sanitary napkins to be included under "healthcare products". These products should be made available at no cost to offenders while confined in a correctional center of the department.

In response to similar legislation from the current session, (Perfecting HB 303), the DOC stated they currently provide sanitary napkins (and not tampons) to offenders and the purpose of this bill is to provide a greater selection of healthcare products to offenders. Also, the DOC does not question the number of pads requested nor the frequency of the request made by an offender. The DOC stated the number of pads used in FY18 was approximately 2,664,000 with an average daily population of 3,100 for a total cost to the DOC of \$114,774.

Currently, the female population within our facilities is 3,046. The DOC estimates an annual usage of 859 products per offender. Assuming 50 percent of this population will request tampons at a cost of \$0.18 per tampon and the other 50 percent will use sanitary napkins at a cost of \$0.0389 per napkin, the department is estimating an annual cost of \$171,678 $[(3,046/2) * 859 * \$0.18 = \$235,584, \text{ rounded}] + [(3,046/2) * 859 * \$0.0389 = \$50,869, \text{ rounded}] - \$114,774 \text{ (current expenditure)} = \$171,678$. The DOC stated it has nothing to base the assumption that 50 percent of offenders will use tampons over pads. It is a best-guess assumption.

Please note that other than the listed tampons and sanitary napkins, the term "healthcare product" is undefined under section 217.199. It is unclear from the bill what constitutes as a healthcare product. As a result, offenders would likely request a variety of products to be provided for free as a healthcare product. This could lead to lawsuits to determine if certain products apply under the law.

Oversight assumes the cost provided by the DOC is for a full year, therefore, Oversight has adjusted the cost for FY20 to ten months and included a 2.5 percent cost-of-living adjustment for FY21 and FY22.

Officials from the **Joplin Police Department** state these items are already supplied in the jail, therefore, there would not be any fiscal impact to the department.

ASSUMPTION (continued)

Oversight notes that the **Springfield Police Department** and **St. Louis County Department of Justice Services** have stated the proposal would not have a direct fiscal impact on their organizations.

Oversight notes the no impact responses from the Joplin and Springfield Police Departments, as well as the St. Louis County Department of Justice Services. However, there may be some county or city jails that do not provide both tampons and napkins for free. Therefore, the impact to local governments will be presented as \$0 or (Unknown).

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties and police and sheriffs' 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 |
|--|------------------------------------|------------------------------------|------------------------------------|
| GENERAL REVENUE FUND | | | |
| <u>Costs - DOC (\$217.199)</u> | | | |
| Healthcare products expense | <u>(\$143,065)</u> | <u>(\$175,970)</u> | <u>(\$180,369)</u> |
| ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND | <u>(\$143,065)</u> | <u>(\$175,970)</u> | <u>(\$180,369)</u> |
| | | | |
| <u>FISCAL IMPACT - Local Government</u> | FY 2020 (10 Mo.) | FY 2021 | FY 2022 |
| LOCAL GOVERNMENT - COUNTY OR CITY JAILS | | | |
| <u>Costs - (\$221.065)</u> | | | |
| Healthcare products expense | <u>\$0 or (Unknown)</u> | <u>\$0 or (Unknown)</u> | <u>\$0 or (Unknown)</u> |
| ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - COUNTY OR CITY JAILS | <u>\$0 or (Unknown)</u> | <u>\$0 or (Unknown)</u> | <u>\$0 or (Unknown)</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 specifies that the Director of the Department of Corrections must ensure that tampons and sanitary napkins are available for free to offenders while they are confined in any of the department's correctional centers. The director must ensure that the products conform with applicable industry standards.

Additionally, every sheriff and jailer who holds a person in custody pursuant to a writ or process for a criminal offense must ensure that tampons and sanitary napkins are available for free to such person in custody, in a quantity that is appropriate for the health care needs of the person. The sheriff or jailer must ensure that the products conform with applicable industry standards.

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 Corrections
Joplin Police Department
Springfield Police Department
St. Louis County Department of Justice Services



Kyle Rieman
Director
March 5, 2019

Ross Strope
Assistant Director
March 5, 2019